

1999

SESSION LAWS

OF THE

STATE OF WASHINGTON

REGULAR SESSION
FIFTY-SIXTH LEGISLATURE
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DENNIS W. COOPER
Code Reviser

**WASHINGTON SESSION LAWS
GENERAL INFORMATION**

I. EDITIONS AVAILABLE.

(a) *General Information.* The session laws are printed successively in two editions:

- (i) a temporary pamphlet edition consisting of a series of one or more paper bound books, which are published as soon as possible following the session, at random dates as accumulated; followed by
- (ii) a permanent hardbound edition containing the accumulation of all laws adopted in the legislative session. Both editions contain a subject index and tables indicating Revised Code of Washington sections affected.

(b) *Where and how obtained—price.* Both the temporary and permanent session laws may be ordered from the Statute Law Committee, Legislative Building, P.O. Box 40552, Olympia, Washington 98504-0552. The temporary pamphlet edition costs \$21.60 per set (\$20.00 plus \$1.60 for state and local sales tax at 8.0%). The permanent edition costs \$54.00 per set (\$25.00 per volume plus \$4.00 for state and local sales tax at 8.0%). All orders must be accompanied by payment.

2. PRINTING STYLE — INDICATION OF NEW OR DELETED MATTER

Both editions of the session laws present the laws in the form in which they were enacted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

(a) In amendatory sections

- (i) underlined matter is new matter.
- (ii) deleted matter is (~~lined out and bracketed between double parentheses~~).

(b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES

(a) Vetoed matter is *printed in bold italics*.

(b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS. Words and clauses inserted in the session laws under the authority of RCW 44.20.060 are enclosed in [brackets].

5. EFFECTIVE DATE OF LAWS

(a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 1999 regular session to be July 25, 1999 (midnight July 24th).

(b) Laws that carry an emergency clause take effect immediately upon approval by the Governor.

(c) Laws that prescribe an effective date take effect upon that date.

6. INDEX AND TABLES

A cumulative index and tables of all 1999 laws may be found at the back of the final pamphlet edition and the permanent hardbound edition.



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CHAPTER 280

[Senate Bill 5255]

CONSERVATION CORPS

AN ACT Relating to the Washington conservation corps; amending RCW 43.220.020, 43.220.030, 43.220.040, 43.220.060, 43.220.070, and 43.220.120; adding a new section to chapter 43.220 RCW; repealing RCW 43.220.050, 43.220.220, 43.220.240, 43.131.383, 43.131.384, 43.220.150 and 43.220.230; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.220.020 and 1994 c 264 s 32 are each amended to read as follows:

The Washington conservation corps is hereby created, to be implemented by the following state departments: The employment security department, the department of ecology, the department of fish and wildlife, the department of natural resources, ~~((the department of agriculture,))~~ and the state parks and recreation commission.

Sec. 2. RCW 43.220.030 and 1987 c 367 s 1 are each amended to read as follows:

Program goals of the Washington conservation corps include:

(1) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources with emphasis given to projects which address the following state-wide priorities:

- (a) Timber, fish and wildlife management plan;
- (b) Watershed management plan;
- (c) ~~((1989 centennial celebration and))~~ Eco-tourism and heritage tourism;
- (d) ~~((Puget Sound))~~ State-wide water quality;
- (e) United States-Canada fisheries treaty;
- (f) Public access to and environmental education about stewardship of natural resources ~~((through recreational facilities))~~ on state lands;
- (g) Recreational trails;
- (h) Salmon recovery and volunteer initiatives;

(2) Development of the state's youth resources through meaningful work experiences;

(3) Making outdoor and historic resources of the state available for public enjoyment;

(4) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;

(5) Assisting agencies in carrying out statutory assignments with limited funding resources; and

(6) Providing needed public services in both urban and rural settings with emphasis in a distressed area or areas.

Sec. 3. RCW 43.220.040 and 1987 c 367 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Public lands" means any lands or waters, or interests therein, owned or administered by any agency or instrumentality of the state, federal, or local government.

(2) "Corps" means the Washington conservation corps.

(3) "Corps member" means an individual enrolled in the Washington conservation corps.

(4) "Corps member leaders" or "specialists" means members of the corps who serve in leadership or training capacities or who provide specialized services other than or in addition to the types of work and services that are performed by the corps members in general.

(5) "Council" means the Washington conservation corps coordinating council.

(6) "Crew supervisor" means temporary, project, or permanent state employees who supervise corps members and coordinate work project design and completion.

(7) "Distressed area" has the meaning as defined in RCW 43.168.020.

Sec. 4. RCW 43.220.060 and 1987 c 505 s 44 are each amended to read as follows:

(1) Each state department identified in RCW 43.220.020 shall have the following powers and duties to carry out its functions relative to the Washington conservation corps:

(a) Recruiting and employing staff ~~((and)),~~ corps members, corps member leaders, and specialists;

~~(b) ((Adopting criteria for the selection of applicants to the program from among the enrollees of the youth employment exchange program;~~

~~—(e))~~ Executing agreements for furnishing the services of the ~~((employment conservation program))~~ corps to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter in concern with the overall objectives of the conservation corps;

~~((f))~~ (c) Applying for and accepting grants or contributions of funds from any private source;

~~((e))~~ (d) Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor-intensive, may result in payments to the state for services performed, and can be promptly completed; and

~~((f))~~ (e) Entering into agreements with community colleges within the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining

whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate.

(2) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may use corps members to carry out essential agency work or contractual functions without displacing current employees.

(3) Facilities, supplies, instruments, and tools of the supervising agency shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

Sec. 5. RCW 43.220.070 and 1995 c 399 s 112 are each amended to read as follows:

(1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. The upper age requirement may be waived for residents who have a sensory or mental handicap. Special effort shall be made to recruit minority and disadvantaged youth who meet selection criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) The legislature finds that people with developmental disabilities would benefit from experiencing a meaningful work experience, and learning the value of labor and of membership in a productive society.

The legislature urges state agencies that are participating in the Washington conservation corps program to consider for enrollment in the program people who have developmental disabilities, as defined in RCW 71A.10.020.

If an agency chooses to enroll people with developmental disabilities in its Washington conservation corps program, the agency may apply to the United States department of labor, employment standards administration for a special subminimum wage certificate in order to be allowed to pay enrollees with developmental disabilities according to their individual levels of productivity.

(3) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew (~~(leaders)~~) supervisors, who shall be project employees, and the administrative and supervisory personnel.

(4) Enrollment shall be for a period of six months which may be extended for ~~((an))~~ additional ~~((six months))~~ six-month periods by mutual agreement of the corps and the corps member, not to exceed two years. Corps members shall be reimbursed at the minimum wage rate established by state or federal law, whichever is higher, which may be increased by up to five percent for each additional six-month period worked: PROVIDED, That if agencies elect to run a residential program, the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW.

(5) Corps members are to be available at all times for emergency response services coordinated through the department of community, trade, and economic development or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

Sec. 6. RCW 43.220.120 and 1994 c 264 s 34 are each amended to read as follows:

(1) There is established a conservation corps within the department of fish and wildlife.

(2) Specific work project areas of the ~~((game))~~ fish and wildlife conservation corps may include the following:

- (a) Habitat development;
- (b) Land clearing;
- (c) Construction projects;
- (d) Noxious weed control;
- (e) Brush cutting;
- (f) Reader board construction;
- (g) Painting;
- (h) Cleaning and repair of rearing ponds;
- (i) Fishtrap construction;
- (j) Brush clearance;
- (k) Spawning channel restoration;
- (l) Log removal;
- (m) Nest box maintenance and cleaning;
- (n) Fence building;
- (o) Winter game feeding and herding;
- (p) Stream rehabilitation;
- (q) Fish hatchery operation and maintenance;
- (r) Fish tagging; and

(s) Such other projects as the director of fish and wildlife may determine. If appropriate facilities are available, the director of fish and wildlife may authorize carrying out projects which involve overnight stays.

NEW SECTION. Sec. 7. A new section is added to chapter 43.220 RCW to read as follows:

(1) An amount not to exceed five percent of the funds available for the Washington conservation corps may be expended on agency administrative costs. Agency administrative costs are indirect expenses such as personnel, payroll, contract administration, fiscal services, and other overhead costs.

(2) An amount not to exceed twenty percent of the funds available for the Washington conservation corps may be expended for costs included in subsection (1) of this section and program support costs. Program support costs include, but are not limited to, program planning, development of reports, job and career training, uniforms and equipment, and standard office space and utilities. Program support costs do not include direct scheduling and supervision of corps members.

(3) A minimum of eighty percent of the funds available for the Washington conservation corps shall be expended for corps member salaries and benefits and for direct supervision of corps members.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) RCW 43.220.050 (Coordination by youth employment exchange—Powers and duties) and 1983 1st ex.s. c 40 s 5;

(2) RCW 43.220.220 (Use of funds for enrollees and members from distressed areas—Youth employment exchange—Evaluation of projects—Training plan) and 1985 c 230 s 2;

(3) RCW 43.220.240 (Staff support—Administration) and 1985 c 230 s 4;

(4) RCW 43.131.383 (Conservation corps—Termination) and 1993 c 516 s 13;

(5) RCW 43.131.384 (Conservation corps—Repeal) and 1993 c 516 s 14;

(6) RCW 43.220.150 (Conservation corps established in department of agriculture—Work project areas) and 1983 1st ex.s. c 40 s 15; and

(7) RCW 43.220.230 (Limitation on use of funds) and 1990 c 71 s 3 & 1985 c 230 s 3.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the Senate April 25, 1999.

Passed the House April 25, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 281

[Substitute Senate Bill 5364]

LIQUOR LICENSES

AN ACT Relating to the administration and designation of liquor licenses; amending RCW 66.08.220, 66.12.110, 66.24.185, 66.24.580, 66.28.220, 66.40.030, 66.40.130, 66.44.190, 66.44.340, 66.44.350, and 68.50.107; reenacting and amending RCW 66.08.180, 66.24.450, and 66.24.290; and repealing RCW 66.24.300.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 66.08.180 and 1997 c 451 s 3 and 1997 c 321 s 57 are each reenacted and amended to read as follows:

Except as provided in RCW 66.24.290(1), moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title.

(1) All license fees, penalties and forfeitures derived under this act from ~~((class H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licenses or ~~((class H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licensees shall every three months be disbursed by the board as follows:

(a) Three hundred thousand dollars per biennium, to the University of Washington for the forensic investigations council to conduct the state toxicological laboratory pursuant to RCW 68.50.107; and

(b) Of the remaining funds:

(i) 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research; and

(ii) 89.9 percent to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050;

(2) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

(3) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and 66.24.360, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050; and

(4) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure

that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

Sec. 2. RCW 66.08.220 and 1949 c 5 s 11 are each amended to read as follows:

The board shall set aside in a separate account in the liquor revolving fund an amount equal to ten percent of its gross sales of liquor to ~~((class-H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licensees collected from these licensees pursuant to the provisions of RCW 82.08.150, less the fifteen percent discount provided for in RCW 66.24.440; and the moneys in said separate account shall be distributed in accordance with the provisions of RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, HOWEVER, That no election unit in which the sale of liquor under ~~((class-H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licenses is unlawful shall be entitled to share in the distribution of moneys from such separate account.

Sec. 3. RCW 66.12.110 and 1975-'76 2nd ex.s. c 20 s 1 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent markup and tax as would be applicable to the purchase of the same or similar liquor at retail from a Washington state liquor store. The board shall adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying out the provisions of this section. The board may issue a ~~((class-H)) spirits, beer, and wine private club~~ license to a charitable or nonprofit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such ~~((class-H)) spirits, beer, and wine private club~~ license is not more than ten miles south of the border between the United States and the province of British Columbia.

Sec. 4. RCW 66.24.185 and 1997 c 321 s 4 are each amended to read as follows:

(1) There shall be a license for bonded wine warehouses which shall authorize the storage of bottled wine only. Under this license a licensee may maintain a warehouse for the storage of wine off the premises of a winery.

(2) The board shall adopt similar qualifications for a bonded wine warehouse license as required for obtaining a domestic winery license as specified in RCW 66.24.010 and 66.24.170. A licensee must be a sole proprietor, a partnership, a limited liability company, or a corporation. One or more domestic wineries may

operate as a partnership, corporation, business co-op, or agricultural co-op for the purposes of obtaining a bonded wine warehouse license.

(3) All bottled wine shipped to a bonded wine warehouse from a winery or another bonded wine warehouse shall remain under bond and no tax imposed under RCW 66.24.210 shall be due, unless the wine is removed from bond and shipped to a licensed Washington wine distributor. Wine may be removed from a bonded wine warehouse only for the purpose of being (a) exported from the state, (b) shipped to a licensed Washington wine distributor, or (c) returned to a winery or bonded wine warehouse.

(4) Warehousing of wine by any person other than (a) a licensed domestic winery or a bonded wine warehouse licensed under the provisions of this section, (b) a licensed Washington wine distributor, (c) a licensed Washington wine importer, (d) a wine certificate of approval holder (W7), or (e) the liquor control board, is prohibited.

(5) A license applicant shall hold a federal permit for a bonded wine cellar and may be required to post a continuing wine tax bond (~~(in the amount of five thousand dollars in a form prescribed)~~) of such an amount and in such a form as may be required by the board prior to the issuance of a bonded wine warehouse license. The fee for this license shall be one hundred dollars per annum.

(6) The board shall adopt rules requiring a bonded wine warehouse to be physically secure, zoned for the intended use and physically separated from any other use.

(7) Every licensee shall submit to the board a monthly report of movement of bottled wines to and from a bonded wine warehouse in a form prescribed by the board. The board may adopt other necessary procedures by which bonded wine warehouses are licensed and regulated.

Sec. 5. RCW 66.24.450 and 1998 c 126 s 9 and 1998 c 114 s 1 are each reenacted and amended to read as follows:

(1) No club shall be entitled to a spirits, beer, and wine private club license:

(a) Unless such private club has been in continuous operation for at least one year immediately prior to the date of its application for such license;

(b) Unless the private club premises be constructed and equipped, conducted, managed, and operated to the satisfaction of the board and in accordance with this title and the regulations made thereunder;

(c) Unless the board shall have determined pursuant to any regulations made by it with respect to private clubs, that such private club is a bona fide private club; it being the intent of this section that license shall not be granted to a club which is, or has been, primarily formed or activated to obtain a license to sell liquor, but solely to a bona fide private club, where the sale of liquor is incidental to the main purposes of the spirits, beer, and wine private club, as defined in RCW 66.04.010(7).

(2) The annual fee for a spirits, beer, and wine private club license, whether inside or outside of an incorporated city or town, is seven hundred twenty dollars per year.

(3) The board may issue an endorsement to the ~~((full-service))~~ spirits, beer, and wine private club license that allows up to forty nonclub, member-sponsored events using club liquor. Visitors and guests may attend these events only by invitation of the sponsoring member or members. These events may not be open to the general public. The fee for the endorsement shall be an annual fee of nine hundred dollars. Upon the board's request, the holder of the endorsement must provide the board or the board's designee with the following information at least seventy-two hours prior to the event: The date, time, and location of the event; the name of the sponsor of the event; and a brief description of the purpose of the event.

Sec. 6. RCW 66.24.580 and 1996 c 224 s 2 are each amended to read as follows:

(1) A public house license allows the licensee:

(a) To annually manufacture no less than two hundred fifty gallons and no more than two thousand four hundred barrels of beer on the licensed premises;

(b) To sell product, that is produced on the licensed premises, at retail on the licensed premises for consumption on the licensed premises;

(c) To sell beer or wine not of its own manufacture for consumption on the licensed premises if the beer or wine has been purchased from a licensed beer or wine wholesaler;

(d) To hold other classes of retail licenses at other locations without being considered in violation of RCW 66.28.010;

(e) To apply for and, if qualified and upon the payment of the appropriate fee, be licensed as a ~~((class-H))~~ spirits, beer, and wine restaurant to do business at the same location. This fee is in addition to the fee charged for the basic public house license.

(2) While the holder of a public house license is not to be considered in violation of the prohibitions of ownership or interest in a retail license in RCW 66.28.010, the remainder of RCW 66.28.010 applies to such licensees.

(3) A public house licensee must pay all applicable taxes on production as are required by law, and all appropriate taxes must be paid for any product sold at retail on the licensed premises.

(4) The employees of the licensee must comply with the provisions of mandatory server training in RCW 66.20.300 through 66.20.350.

(5) The holder of a public house license may not hold a wholesaler's or importer's license, act as the agent of another manufacturer, wholesaler, or importer, or hold a brewery or winery license.

(6) The annual license fee for a public house is one thousand dollars.

(7) The holder of a public house license may hold other licenses at other locations if the locations are approved by the board.

(8) Existing holders of annual retail liquor licenses may apply for and, if qualified, be granted a public house license at one or more of their existing liquor licensed locations without discontinuing business during the application or construction stages.

Sec. 7. RCW 66.28.220 and 1993 c 21 s 3 are each amended to read as follows:

The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of four gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

The board shall develop and make available forms for the declaration and receipt required by RCW 66.28.200. The board may charge ~~((class-E))~~ grocery store licensees for the costs of providing the forms and that money collected for the forms shall be deposited into the liquor revolving fund for use by the board, without further appropriation, to continue to administer the cost of the keg registration program.

It is unlawful for any person to sell or offer for sale kegs or other containers containing four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW if the kegs or containers are not identified in compliance with rules adopted by the board.

Sec. 8. RCW 66.40.030 and 1994 c 55 s 1 are each amended to read as follows:

Within any unit referred to in RCW 66.40.010, there may be held a separate election upon the question of whether the sale of liquor under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses, shall be permitted within such unit. The conditions and procedure for holding such election shall be those prescribed by RCW 66.40.020, 66.40.040, 66.40.100, 66.40.110 and 66.40.120. Whenever a majority of qualified voters voting upon said question in any such unit shall have voted "against the sale of liquor under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses", the county auditor shall file with the liquor control board a certificate showing the result of the canvass at such election; and after ninety days from and after the date of the canvass, it shall not be lawful for licensees to maintain and operate premises within the election unit licensed under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses. The addition after an election under this section of new territory to a city, town, or county, by annexation, disincorporation, or otherwise, shall not extend the prohibition against the sale of liquor under ~~((class-H))~~ spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses to the new territory. Elections held under RCW 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120 and 66.40.140, shall be limited to the

question of whether the sale of liquor by means other than under ~~((class-H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licenses shall be permitted within such election unit.

Sec. 9. RCW 66.40.130 and 1949 c 5 s 13 are each amended to read as follows:

Ninety days after December 2, 1948, ~~((class-H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licenses may be issued in any election unit in which the sale of liquor is then lawful. No ~~((class-H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ license shall be issued in any election unit in which the sale of liquor is forbidden as the result of an election held under RCW 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120 and 66.40.140, unless a majority of the qualified electors in such election unit voting upon this initiative at the general election in November, 1948, vote in favor of this initiative, or unless at a subsequent general election in which the question of whether the sale of liquor under ~~((class-H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licenses shall be permitted within such unit is submitted to the electorate, as provided in RCW 66.40.030, a majority of the qualified electors voting upon such question vote "for the sale of liquor under ~~((class-H)) spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility~~ licenses."

Sec. 10. RCW 66.44.190 and 1997 c 321 s 62 are each amended to read as follows:

Except at the faculty center as so designated by the university board of regents to the Washington state liquor control board who may issue a ~~((class-H)) spirits, beer, and wine private club~~ license therefor, it shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian except to the extent allowed under banquet permits issued pursuant to RCW 66.24.481.

Sec. 11. RCW 66.44.340 and 1986 c 5 s 1 are each amended to read as follows:

Employers holding ~~((class-E and/or-F)) grocery store or beer and/or wine specialty shop~~ licenses exclusively are permitted to allow their employees, between the ages of eighteen and twenty-one years, to sell, stock, and handle beer or wine in, on or about any establishment holding a ~~((class-E and/or class-F)) grocery store or beer and/or wine specialty shop~~ license exclusively: PROVIDED, That there is an adult twenty-one years of age or older on duty supervising the sale of liquor at the licensed premises: PROVIDED, That minor employees may make deliveries of beer and/or wine purchased from licensees holding ~~((class-E and/or class-F)) grocery store or beer and/or wine specialty shop~~ licenses exclusively, when delivery is made to cars of customers adjacent to such licensed premises but only, however, when the minor employee is accompanied by the purchaser.

Sec. 12. RCW 66.44.350 and 1988 c 160 s 1 are each amended to read as follows:

Notwithstanding provisions of RCW 66.44.310, employees (~~of class A, C, D and/or H~~) holding beer and/or wine restaurant: beer and/or wine private club: snack bar: spirits, beer, and wine restaurant: spirits, beer, and wine private club: and sports entertainment facility licenses who are licensees eighteen years of age and over may take orders for, serve and sell liquor in any part of the licensed premises except cocktail lounges, bars, or other areas classified by the Washington state liquor control board as off-limits to persons under twenty-one years of age: PROVIDED, That such employees may enter such restricted areas to perform work assignments including picking up liquor for service in other parts of the licensed premises, performing clean up work, setting up and arranging tables, delivering supplies, delivering messages, serving food, and seating patrons: PROVIDED FURTHER, That such employees shall remain in the areas off-limits to minors no longer than is necessary to carry out their aforementioned duties: PROVIDED FURTHER, That such employees shall not be permitted to perform activities or functions of a bartender.

Sec. 13. RCW 68.50.107 and 1995 c 398 s 10 are each amended to read as follows:

There shall be established in conjunction with the University of Washington Medical School and under the authority of the state forensic investigations council a state toxicological laboratory under the direction of the state toxicologist whose duty it will be to perform all necessary toxicologic procedures requested by all coroners, medical examiners, and prosecuting attorneys. The state forensic investigations council shall appoint a toxicologist as state toxicologist. The laboratory shall be funded by disbursement from the (~~class H~~) spirits, beer, and wine restaurant: spirits, beer, and wine private club: and sports entertainment facility license fees as provided in RCW 66.08.180 and by appropriation from the death investigations account as provided in RCW 43.79.445.

Sec. 14. RCW 66.24.290 and 1997 c 451 s 1 and 1997 c 321 s 16 are each reenacted and amended to read as follows:

(1) Any microbrewer or domestic brewery or beer distributor licensed under this title may sell and deliver beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewery or beer distributor shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer within the state a tax of one dollar and thirty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer shall pay a tax computed in gallons at the rate of one dollar and thirty cents per barrel of thirty-one gallons. Any brewery or beer distributor whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Beer shall be sold by breweries and distributors in sealed barrels

or packages. The moneys collected under this subsection shall be distributed as follows: (a) Three-tenths of a percent shall be distributed to border areas under RCW 66.08.195; and (b) of the remaining moneys: (i) Twenty percent shall be distributed to counties in the same manner as under RCW 66.08.200; and (ii) eighty percent shall be distributed to incorporated cities and towns in the same manner as under RCW 66.08.210.

(2) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3)(a) An additional tax is imposed on all beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (3) shall be deposited in the health services account under RCW 43.72.900.

(4) An additional tax is imposed on all beer that is subject to tax under subsection (1) of this section that is in the first sixty thousand barrels of beer by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of the exemption under subsection (3)(b) of this section. The additional tax is equal to one dollar and forty-eight and two-tenths cents per barrel of thirty-one gallons. By the twenty-fifth day of the following month, three percent of the revenues collected from this additional tax shall be distributed to border areas under RCW 66.08.195 and the remaining moneys shall be transferred to the state general fund.

(5) The board may make refunds for all taxes paid on beer exported from the state for use outside the state.

(6) The board may require filing with the board of a bond to be approved by it in such amount as the board may fix, securing the payment of the tax. If any licensee fails to pay the tax when due, the board may forthwith suspend or cancel his or her license until all taxes are paid.

(7) The tax imposed under this section shall not apply to "strong beer" as defined in this title.

NEW SECTION. Sec. 15. RCW 66.24.300 (Refunds for taxes paid on exported beer—Bond securing tax payment) and 1995 c 232 s 5, 1951 c 93 s 1, & 1937 c 217 s 2 are each repealed.

Passed the Senate March 13, 1999.

Passed the House April 24, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 282

[Substitute Senate Bill 5553]

BOXING, KICKBOXING, MARTIAL ARTS, AND WRESTLING—LICENSING AND SAFETY

AN ACT Relating to professional athletics licensing, health, and safety standards; amending RCW 67.08.002, 67.08.015, 67.08.050, 67.08.080, 67.08.090, 67.08.110, 67.08.120, and 67.08.160; reenacting and amending RCW 67.08.100; adding a new section to chapter 67.08 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 67.08 RCW to read as follows:

The department shall set license and renewal fees by rule, but the fees collected do not have to offset the cost of the program as required under RCW 43.24.086.

Sec. 2. RCW 67.08.002 and 1997 c 205 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Amateur" means a person who engages in athletic activities as a pastime and not as a professional.

(2) "Boxing" means a contest in which the contestants exchange blows with their fists, but does not include professional wrestling.

(3) "Department" means the department of licensing.

(4) "Director" means the director of the department of licensing or the director's designee.

(5) "Event" includes, but is not limited to, a boxing, wrestling, or martial arts contest, sparring, fisticuffs, match, show, or exhibition.

(6) "Event physician" means the physician licensed under RCW 67.08.100 and who is responsible for the activities described in RCW 67.08.090.

(7) "Face value" means the dollar value of a ticket or order, which value must reflect the dollar amount that the customer is required to pay or, for a complimentary ticket, would have been required to pay to purchase a ticket with equivalent seating priority, in order to view the event.

~~((7))~~ (8) "Gross receipts" means ~~((the sale of souvenirs, programs, and other concessions received by the promoter, and))~~ the face value of all tickets sold and complimentary tickets redeemed.

~~((8))~~ (9) "Kickboxing" means a type of boxing in which blows are delivered with the hand and any part of the leg below the hip, including the foot.

~~((9))~~ (10) "Martial arts" means a type of boxing including sumo, judo, karate, kung fu, tae kwon do, pankration, muay thai, or other forms of full-contact martial arts or self-defense conducted on a full-contact basis.

~~((10))~~ (11) "Physician" means a person licensed under chapter 18.57, 18.36A, or 18.71 RCW as a physician or a person holding an osteopathic or allopathic physician license under the laws of any jurisdiction in which the person resides.

(12) "Professional" means a person who has received or competed for money or other articles of value for participating in an event.

~~((11))~~ (13) "Promoter" means a person, and includes any officer, director, employee, or stockholder of a corporate promoter, who produces, arranges, stages, holds, or gives an event in this state involving a professional boxing, martial arts, or wrestling event, or shows or causes to be shown in this state a closed circuit telecast of a match involving a professional participant whether or not the telecast originates in this state.

~~((12))~~ "~~Tough man/rough man contest or competition~~" means ~~an event that utilizes unlicensed, untrained, or otherwise licensed participants who engage in unsanctioned activities that do not comply with this chapter, including a full-contact, tournament-style martial arts contest, match, show, or exhibition in which contestants compete more than once per day.~~

~~(13))~~ (14) "Wrestling exhibition" or "wrestling show" means a form of sports entertainment in which the participants display their skills in a physical struggle against each other in the ring and either the outcome may be predetermined or the participants do not necessarily strive to win, or both.

Sec. 3. RCW 67.08.015 and 1997 c 205 s 3 are each amended to read as follows:

(1) In the interest of ensuring the safety and welfare of the participants, the department shall have power and it shall be its duty to direct, supervise, and control all boxing, martial arts, and wrestling events conducted within this state and an event may not be held in this state except in accordance with the provisions of this chapter. The department may, in its discretion, issue and for cause deny, revoke, or suspend a license to promote, conduct, or hold boxing, kickboxing, martial arts, or wrestling events where an admission fee is charged by any person, club, corporation, organization, association, or fraternal society.

(2) All boxing, kickboxing, martial arts, or wrestling events that:

(a) Are conducted by any common school, college, or university, whether public or private, or by the official student association thereof, whether on or off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any common school, college, or university, within or without this state; or

(b) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes; are not subject to the licensing provisions of this chapter. A boxing, martial arts, kickboxing, or wrestling event may not be conducted within the state except under a license issued in accordance with this chapter and the rules of the department except as provided in this section.

(3) The director shall prohibit events unless all of the contestants are either licensed under this chapter or trained by an amateur or professional sanctioning body recognized by the department.

Sec. 4. RCW 67.08.050 and 1997 c 205 s 6 are each amended to read as follows:

(1) Any promoter shall within seven days prior to the holding of any event file with the department a statement setting forth the name of each licensee who is a potential participant, his or her manager or managers, and such other information as the department may require. Participant changes regarding a wrestling event may be allowed after notice to the department, if the new participant holds a valid license under this chapter. The department may stop any wrestling event in which a participant is not licensed under this chapter.

(2) Upon the termination of any event the promoter shall file with the designated department representative a written report, duly verified as the department may require showing the number of tickets sold for the event, the price charged for the tickets and the gross proceeds thereof, and such other and further information as the department may require. The promoter shall pay to the department at the time of filing the report under this section a tax equal to five percent of such gross receipts. However, the tax may not be less than twenty-five dollars. The five percent of such gross receipts shall be immediately paid by the department into the state general fund.

(3) A complimentary ticket may not have a face value of less than the least expensive ticket available for sale to the general public. ~~((It must include charges and fees, such as dinner, gratuity, parking, surcharges, or other charges or fees that are charged to and must be paid by the customer in order to view the event.))~~ The number of untaxed complimentary tickets shall be limited to five percent of the total tickets sold per event location, not to exceed three hundred tickets. All complimentary tickets exceeding this exemption shall be subject to taxation.

Sec. 5. RCW 67.08.080 and 1997 c 205 s 8 are each amended to read as follows:

A boxing~~((, kickboxing, or martial art[s]))~~ event held in this state may not be for more than ten rounds and no one round of any bout shall be scheduled for longer than three minutes and there shall be not less than one minute intermission between each round. In the event of bouts involving state, regional, national, or world championships the department may grant an extension of no more than two additional rounds to allow total bouts of twelve rounds. A contestant in any boxing event under this chapter may not be permitted to wear gloves weighing less than

eight ounces. The director shall adopt rules to assure clean and sportsmanlike conduct on the part of all contestants and officials, and the orderly and proper conduct of the event in all respects, and to otherwise make rules consistent with this chapter, but such rules shall apply only to events held under the provisions of this chapter. The director may adopt rules with respect to round and bout limitations and clean and sportsmanlike conduct for kickboxing, martial arts, or wrestling events.

Sec. 6. RCW 67.08.090 and 1997 c 205 s 9 are each amended to read as follows:

(1) Each contestant for boxing, kickboxing, or martial arts events shall be examined within twenty-four hours before the contest by ~~((a competent))~~ an event physician ~~((appointed))~~ licensed by the department. The event physician shall report in writing and over his or her signature before the event the physical condition of each and every contestant to the inspector present at such contest. No contestant whose physical condition is not approved by the ~~((examining))~~ event physician shall be permitted to participate in any event. Blank forms ~~((of))~~ for event physicians' reports shall be provided by the department and all questions upon such blanks shall be answered in full. The ~~((examining))~~ event physician shall be paid a fee and travel expenses by the promoter.

(2) The department may require that ~~((a))~~ an event physician be present at a wrestling event. The promoter shall pay ~~((any))~~ the event physician present at a wrestling event. A boxing, kickboxing, or martial arts event may not be held unless ~~((a licensed))~~ an event physician ~~((of))~~ licensed by the department ~~((or his or her duly appointed representative))~~ is present throughout the event.

(3) Any ~~((practicing))~~ physician ~~((and surgeon))~~ licensed under RCW 67.08.100 may be selected by the department as the ~~((examining))~~ event physician. ~~((Such))~~ The event physician present at ~~((such))~~ any contest shall have authority to stop any event when in the event physician's opinion it would be dangerous to a contestant to continue, and in such event it shall be the event physician's duty to stop the event.

(4) The department may have a participant in a wrestling event examined by ~~((a))~~ an event physician ~~((appointed))~~ licensed by the department prior to the event. A participant in a wrestling event whose condition is not approved by the ~~((examining))~~ event physician shall not be permitted to participate in the event.

(5) Each contestant for boxing, kickboxing, martial arts, or wrestling events may be subject to a random urinalysis or chemical test within twenty-four hours before or after a contest. An applicant or licensee who refuses or fails to submit to the urinalysis or chemical test is subject to disciplinary action under RCW 67.08.240. If the urinalysis or chemical test is positive for substances prohibited by rules adopted by the director, disciplinary action shall be taken under RCW 67.08.240.

Sec. 7. RCW 67.08.100 and 1997 c 205 s 10 and 1997 c 58 s 864 are each reenacted and amended to read as follows:

(1) The department upon receipt of a properly completed application and payment of a nonrefundable fee, may grant an annual license to an applicant for the following: (a) Promoter; (b) manager; (c) boxer; (d) second; (e) wrestling participant; (f) inspector(s); (g) judge; (h) timekeeper; (i) announcer(s); ~~((and))~~ (j) event physician(s); (k) referee; (l) matchmaker; (m) kickboxer; and (n) martial arts participant.

(2) The application for the following types of licenses shall include a physical performed by a physician, as defined in RCW 67.08.002, which was performed by the physician with a time period preceding the application as specified by rule: (a) Boxer; (b) wrestling participant; (c) kickboxer; (d) martial arts participant; and (e) referee.

(3) Any license may be revoked, suspended, or denied by the director for a violation of this chapter or a rule adopted by the director.

~~((3))~~ (4) No person shall participate or serve in any of the above capacities unless licensed as provided in this chapter.

~~((4))~~ (5) The referees, judges, timekeepers, event physicians, and inspectors for any boxing event shall be designated by the department from among licensed officials.

~~((5))~~ (6) The referee for any wrestling event shall be provided by the promoter and shall be licensed as a wrestling participant.

~~((6))~~ (7) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order ~~((or a residential or visitation order))~~. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

~~((7))~~ (8) A person may not be issued a license if the person has an unpaid fine outstanding to the department.

~~((8))~~ (9) A person may not be issued a license unless they are at least eighteen years of age.

~~((9))~~ (10) This section shall not apply to contestants or participants in events at which only amateurs are engaged in contests and/or fraternal organizations and/or veterans' organizations chartered by congress or the defense department or any recognized amateur sanctioning body recognized by the department, holding and promoting athletic events and where all funds are used primarily for the benefit of their members. Upon request of the department, a promoter, contestant, or participant shall provide sufficient information to reasonably determine whether this chapter applies.

Sec. 8. RCW 67.08.110 and 1997 c 205 s 11 are each amended to read as follows:

(1) Any person or any member of any group of persons or corporation promoting boxing events who shall participate directly or indirectly in the purse or fee of any manager of any boxers or any boxer and any licensee who shall conduct or participate in any sham or fake boxing event shall be subject to license suspension, revocation, or fine and such revoked, suspended, or fined licensee shall not be entitled to receive any license issued under this chapter.

(2) A manager of any boxer, kickboxer, or martial arts participant who allows any person or any group of persons or corporation promoting boxing, kickboxing, or martial arts events to participate directly or indirectly in the purse or fee, or any boxer, kickboxer, or martial arts participant or other licensee who conducts or participates in any sham or fake boxing, kickboxing, or martial arts event is subject to disciplinary action under RCW 67.08.240.

Sec. 9. RCW 67.08.120 and 1997 c 205 s 12 are each amended to read as follows:

Any (~~unlicensed participant-contestant~~) applicant or licensee who violates any rule of the department shall be fined, suspended, revoked, or any combination thereof, by order of the director. Assessed fines shall not exceed five (~~hundred~~) thousand dollars for each violation of this chapter or any rule of the department.

Sec. 10. RCW 67.08.160 and 1989 c 127 s 2 are each amended to read as follows:

A promoter shall have an ambulance or paramedical unit present at the (~~arena in case a serious injury occurs unless an ambulance or paramedical unit is located within five miles of the arena and that unit is on call for such an occurrence~~) event location.

Passed the Senate April 22, 1999.

Passed the House April 16, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 283

[Substitute Senate Bill 5672]

WHISTLEBLOWERS—RETALIATORY ACTIONS

AN ACT Relating to retaliatory action against a whistleblower; and amending RCW 42.40.050.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 42.40.050 and 1992 c 118 s 3 are each amended to read as follows:

(1) Any person who is a whistleblower, as defined in RCW 42.40.020, and who (~~as a result of being a whistleblower~~) is presumed to have established a cause of action for the remedies provided under chapter 49.60 RCW. For the purpose of this section "reprisal or retaliatory action" means but is not limited to any of the following:

- ~~((1))~~ (a) Denial of adequate staff to perform duties;
~~((2))~~ (b) Frequent staff changes;
~~((3))~~ (c) Frequent and undesirable office changes;
~~((4))~~ (d) Refusal to assign meaningful work;
~~((5))~~ (c) Unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations;
~~((6))~~ (f) Demotion;
~~((7))~~ (g) Reduction in pay;
~~((8))~~ (h) Denial of promotion;
~~((9))~~ (i) Suspension;
~~((10))~~ (j) Dismissal;
~~((11))~~ (k) Denial of employment; ~~((and))~~
~~((12))~~ (l) A supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower; and
(m) A change in the physical location of the employee's workplace or a change in the basic nature of the employee's job, if either are in opposition to the employee's expressed wish.

(2) The agency presumed to have taken retaliatory action under subsection (1) of this section may rebut that presumption by proving by a preponderance of the evidence that the agency action or actions were justified by reasons unrelated to the employee's status as a whistleblower.

(3) Nothing in this section prohibits an agency from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower. However, the agency also shall implement any order under chapter 49.60 RCW (other than an order of suspension if the agency has terminated the retaliator).

Passed the Senate April 23, 1999.

Passed the House April 19, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 284

[Substitute Senate Bill 5728]

BOND ISSUES—VALIDITY TESTING

AN ACT Relating to proposed bond issues; amending RCW 7.25.010, 7.25.020, 7.25.030, and 7.25.040; and adding a new section to chapter 7.25 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 7.25.010 and 1983 c 263 s 1 are each amended to read as follows:

Whenever the legislative or governing body of the state or any county, city, school district, other municipal corporation, taxing district, or any agency, instrumentality, or public corporation thereof shall desire to issue bonds of any

kind and shall have passed an ordinance or resolution authorizing the same, the validity of such proposed bond issue may be tested and determined in the manner provided in this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 7.25 RCW to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Government entity" means the state of Washington, the state finance committee, any county, city, school district, other municipal corporation, taxing district, or any agency, instrumentality, or public corporation thereof.

(2) "Bonds" means one or more bonds, notes, or other evidences of indebtedness.

(3) "Interested parties" means all taxpayers, ratepayers, or any other persons who have any obligations, rights, or other interests in the bonds or issuance thereof, or the project or purpose for which the bonds were issued or are to be issued.

Sec. 3. RCW 7.25.020 and 1983 c 263 s 2 are each amended to read as follows:

A complaint shall be prepared and filed in the superior court by such ~~((county, city, school district, other municipal corporation, taxing district, or agency, instrumentality, or public corporation thereof))~~ government entity setting forth such ordinance or resolution and that it is the purpose of the plaintiff to issue and sell bonds as stated therein and that it is desired that the right of the plaintiff to so issue such bonds and sell the same shall be tested and determined in said action. In said action all ~~((taxpayers of such taxing district))~~ interested parties shall be deemed to be defendants ~~((and shall be named in the title of said action as defendants with the words "The Taxpayers of (naming the taxing district), Defendants."))~~. The title of the action shall be "In re (name of bond issue)." Upon the filing of the complaint the court shall, upon the application of the plaintiff, enter an order naming one or more ~~((taxpayers of such taxing district))~~ interested parties upon whom service in said action shall be made as the representative of all ~~((taxpayers of said district))~~ interested parties, except such as may intervene as herein provided, and in such case the court shall fix and allow a reasonable attorney's fee in said action to the attorney who shall represent the representative ~~((taxpayer or taxpayers))~~ interested parties as aforesaid, and such fee and all taxable costs incurred by such representative ~~((taxpayer or taxpayers))~~ interested parties shall be taxed as costs against the plaintiff: PROVIDED, That if the ~~((taxpayer or taxpayers))~~ interested parties appointed by the court shall default, the court shall appoint an attorney who shall defend said action on behalf of all ~~((taxpayers))~~ interested parties, and such attorney shall be allowed a reasonable fee and taxable costs to be taxed against the plaintiff: PROVIDED FURTHER, That ~~((any taxpayer))~~ after filing the complaint, the plaintiff shall twice place a notice in a newspaper of general circulation within the boundaries of the government entity, stating the title of the action, informing the interested parties that the action has

been commenced testing the validity of the bonds, and stating that any interested parties, as that term is defined herein, may intervene in such action and be represented therein by his own attorney. Thereupon, any interested parties who desire to intervene must apply to the court to intervene within ten days after the second publication of the notice.

Sec. 4. RCW 7.25.030 and 1939 c 153 s 3 are each amended to read as follows:

The court in such action shall enter its judgment determining whether or not the bonds as proposed will be valid, and if the court finds that a portion, but not all, of the said bond issue is authorized by law, the court shall so declare, and find by its judgment what portion of such bond issue will be valid, and the judgment in said action shall be conclusive and binding upon all ((taxpayers)) interested parties and upon all other persons.

Sec. 5. RCW 7.25.040 and 1939 c 153 s 4 are each amended to read as follows:

Except as otherwise herein provided, all the provisions of the laws of Washington relating to declaratory judgments shall apply to the action herein provided for. The remedy and procedure herein provided shall be in addition to other remedies and procedures now provided by law.

Passed the Senate April 21, 1999.

Passed the House April 8, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 285

[Engrossed Senate Bill 5789]

K-20 TELECOMMUNICATIONS NETWORK

AN ACT Relating to the governance of the K-20 telecommunications network; amending RCW 43.105.020, 28D.02.060, 28D.02.065, and 28D.02.070; reenacting and amending RCW 43.105.041; adding new sections to chapter 43.105 RCW; creating new sections; recodifying RCW 28D.02.060, 28D.02.65, and 28D.02.070; repealing RCW 28D.02.005, 28D.02.010, 28D.02.020, 28D.02.030, 28D.02.040, and 28D.02.050; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.105.020 and 1993 c 280 s 78 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

- (1) "Department" means the department of information services;
- (2) "Board" means the information services board;
- (3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;
- (4) "Director" means the director of the department;

(5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Proprietary software" means that software offered for sale or license;

(12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(13) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in section 2 of this act;

(14) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in section 6 of this act;

(15) "K-20 network" means the network established in RCW 28D.02.070;

(16) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

NEW SECTION. Sec. 2. The K-20 educational network board is created. The purpose of the K-20 board is to ensure that the K-20 educational telecommunications network is operated in a way that serves the broad public interest above the interest of any network user.

(1) The K-20 board shall comprise eleven voting and seven nonvoting members as follows:

(a) Voting members shall include: A person designated by the governor; one member of each caucus of the senate, appointed by the president of the senate; one

member of each caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction or his or her designee; the executive director of the higher education coordinating board or his or her designee; the executive director of the state board for community and technical colleges or his or her designee; the chair of the information services board, or his or her designee; the director of the department of information services or his or her designee; and one citizen member.

The citizen member shall be appointed to a four-year term by the governor with the consent of the senate. The governor shall appoint the citizen member of the K-20 board by July 30, 1999.

(b) Nonvoting members shall include one community or technical college president, appointed by the state board for technical and community colleges; one president of a public baccalaureate institution, appointed by the council of presidents; the state librarian; one educational service district superintendent, one school district superintendent, and one representative of an approved private school, appointed by the superintendent of public instruction; and one representative of independent baccalaureate institutions, appointed by the Washington association of independent colleges and universities.

(2) The director of the department of information services or his or her designee shall serve as chair of the K-20 board. The department of information services shall provide staffing to the K-20 board. A majority of the voting members of the K-20 board shall constitute a quorum for the transaction of business.

(3) The citizen member of the K-20 board shall be compensated in accordance with RCW 43.03.250.

NEW SECTION. Sec. 3. The new section is added to chapter 43.105 RCW to read as follows:

The K-20 board has the following powers and duties:

(1) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(2) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;

(3) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network;

(4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the K-20 board on (a) any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites, (b) annual copayments to be charged to public educational sector institutions and other public entities connected to the network, and (c) charges to nongovernmental entities connected to the network;

(5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(6) To authorize the release of funds from the K-20 technology account under RCW 28D.02.060 (as recodified by this act) for network expenditures;

(7) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The K-20 board shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. However, the information services board shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

NEW SECTION. Sec. 4. A new section is added to chapter 43.105 RCW to read as follows:

Actions of the telecommunications oversight and policy committee in effect on June 30, 1999, shall remain in effect thereafter unless modified or repealed by the K-20 board.

Sec. 5. RCW 43.105.041 and 1996 c 171 s 8 and 1996 c 137 s 12 are each reenacted and amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW

43.19.190 through 43.19.200. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop state-wide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or state-wide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

(i) To review and approve that portion of the department's budget requests that provides for support to the board.

(2) State-wide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and

implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

NEW SECTION. Sec. 6. A new section is added to chapter 43.105 RCW to read as follows:

The K-20 network technical steering committee is established, and shall report to the information services board.

(1) The committee consists of the following seven voting members: A representative of the higher education coordinating board, appointed by its executive director; a representative of the superintendent of public instruction, appointed by the superintendent of public instruction; a representative of the state board for community and technical colleges, appointed by its executive director; a representative of the educational services districts, appointed by that organization; a representative of the baccalaureate institutions, appointed by the council of presidents; a representative of the computer or telecommunications industry, appointed by the governor; and a representative of the department, appointed by the director. The committee includes as ex officio, nonvoting members, a representative of the organization that operates the K-20 network under section 8 of this act, appointed by that organization; the state librarian; a representative of the independent nonprofit institutions of higher education, appointed by the Washington association of independent colleges and universities; and such additional ex officio, nonvoting members as may be appointed by the information services board. The committee shall select a chair from among its members.

(2) The committee shall have general operational and technical oversight over the K-20 network, as delegated by the information services board.

(3) The department shall supply necessary staff support to the committee.

NEW SECTION. Sec. 7. A new section is added to chapter 43.105 RCW to read as follows:

(1) In overseeing the technical aspects of the K-20 network, the information services board is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the information services board, the state librarian, or the governing boards of the institutions of higher education.

(2) The board may not interfere in any curriculum or legally offered programming offered over the network.

(3) The coordination of telecommunications planning for institutions of higher education as defined in RCW 28B.10.016 remains the responsibility of the higher education coordinating board under RCW 28B.80.600. The board may recommend, but not require, revisions to the higher education coordinating board's telecommunications plan.

(4) The responsibility to review and approve standards and common specifications for the network remains the responsibility of the information services board under RCW 43.105.041.

(5) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. Except as set forth in RCW 43.105.041(1)(d), the board may recommend, but not require, revisions to the superintendent's telecommunications plans.

NEW SECTION. Sec. 8. A new section is added to chapter 43.105 RCW to read as follows:

The department shall maintain, in consultation with the network users and the board, the K-20 operations cooperative, which shall be responsible for day-to-day network management, technical network status monitoring, technical problem response coordination, and other duties as agreed to by the department, the educational sectors, and the information services board. Funding for the K-20 operations cooperative shall be provided from the K-20 revolving fund under RCW 28D.02.065 (as recodified by this act).

Sec. 9. RCW 28D.02.060 and 1997 c 180 s 2 are each amended to read as follows:

The K-20 technology account is hereby created in the state treasury. The department of information services shall deposit into the account moneys received from legislative appropriations, gifts, grants, and endowments for the buildout and installation of the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system (~~(approved by the committee under RCW 28D.02.010)~~). Disbursements from the account shall be on authorization of the director of the department of information services with approval of the (~~(committee under RCW 28D.02.010)~~) board.

Sec. 10. RCW 28D.02.065 and 1997 c 180 s 1 are each amended to read as follows:

(1) The education technology revolving fund is created in the custody of the state treasurer. All receipts from billings under subsection (2) of this section must be deposited in the revolving fund. Only the director of the department of information services or the director's designee may authorize expenditures from the fund. The revolving fund shall be used (~~(only)~~) to pay for (~~(the acquisition of)~~) network operations, transport, equipment, software, supplies, and services, maintenance and depreciation of on-site data, and shared infrastructure, and other costs incidental to the (~~(acquisition,)~~) development, operation, and administration of shared educational information technology services, telecommunications, and

systems. The revolving fund shall not be used for the acquisition, maintenance, or operations of local ~~((networks or))~~ telecommunications infrastructure or the maintenance or depreciation of on-premises video equipment specific to a particular institution or group of institutions.

(2) The revolving fund and all disbursements from the revolving fund are subject to the allotment procedure under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department of information services shall, in consultation with entities connected to the network under RCW 28D.02.070 ~~(as recodified by this act)~~ and subject to the review and approval of the office ~~((of))~~ of financial management, establish and implement a billing structure ~~((to assure that all network users pay an equitable share of the costs in relation to their usage of the network))~~ for network services identified in subsection (1) of this section.

(3) The department shall charge those public entities connected to the K-20 telecommunications under RCW 28D.02.070 an annual copayment per unit of transport connection as determined by the legislature after consideration of the K-20 board's recommendations. This copayment shall be deposited into the revolving fund to be used for the purposes in subsection (1) of this section. It is the intent of the legislature to appropriate to the revolving fund such moneys as necessary to cover the costs for transport, maintenance, and depreciation of data equipment located at the individual public institutions, maintenance and depreciation of the network backbone, and services provided to the network under section 8 of this act.

Sec. 11. RCW 28D.02.070 and 1996 c 137 s 8 are each amended to read as follows:

The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the ~~((principles described in RCW 28D.02.020 and the))~~ goals and objectives established ~~((by the committee))~~ under RCW ~~((28D.02.010))~~ 43.105.041. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of public research institutions, and the main campuses of community colleges and technical colleges.

(2) Phase two shall provide for (a) connection to the network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, and branch campuses of community colleges and technical colleges, ~~((and independent nonprofit baccalaureate institutions,))~~ as prioritized by the ~~((K-20))~~ K-20 telecommunications oversight and policy committee, or as modified by the board; ~~((and))~~ (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section; and (c)

connection for independent nonprofit institutions of higher education, provided that:

(i) The K-20 board and each independent nonprofit institution of higher education to be connected agree in writing to terms and conditions of connectivity. The terms and conditions shall ensure, among other things, that the provision of K-20 services does not violate Article VIII, section 5 of the state Constitution and that the institution shall adhere to network policies; and

(ii) The K-20 board determines that inclusion of the independent nonprofit institutions of higher education will not significantly affect the network's eligibility for federal universal service fund discounts or subsidies.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

NEW SECTION. Sec. 12. RCW 28D.02.060, 28D.02.065, and 28D.02.070 are each recodified as sections in chapter 43.105 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) RCW 28D.02.005 (Intent—Finding) and 1996 c 137 s 1;
- (2) RCW 28D.02.010 (K-20 telecommunications oversight and policy committee) and 1996 c 137 s 2;
- (3) RCW 28D.02.020 (Design and implementation plan) and 1996 c 137 s 3;
- (4) RCW 28D.02.030 (Proposed location plan of higher education delivery sites) and 1996 c 137 s 4;
- (5) RCW 28D.02.040 (Proposed location plan of public education delivery sites) and 1996 c 137 s 5; and
- (6) RCW 28D.02.050 (Network governance structure—Recommendations of the higher education coordinating board and the superintendent of public instruction) and 1996 c 137 s 6.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the Senate April 24, 1999.

Passed the House April 23, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 286

[Senate Bill 5837]

PUBLIC EMPLOYEES' RETIREMENT SYSTEM—OPTIONAL MEMBERSHIP

AN ACT Relating to membership in the public employees' retirement system for the chief administrative officer of a public utility district, port district, or a county; amending RCW 41.40.023; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. It is the intent of the legislature that retirement benefits represent a valuable element of the total compensation and benefits employees receive for their service. The value of these benefits is contained in the retirement income and cost-of-living adjustments provided to employees who remain in public service until retirement. For the majority of public employees, this requires membership in the public employees' retirement system.

The legislature recognizes, however, that certain occupations display a pattern of interstate mobility which requires retirement benefits which are highly portable. Incumbents in these occupations gain little value from membership in the public employees' retirement system. In order to remove any barrier to employing qualified personnel in positions with high mobility, membership in the retirement system should be optional in those occupations.

Sec. 2. RCW 41.40.023 and 1997 c 254 s II are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3)(a) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(b) A member holding elective office who has elected to apply for membership pursuant to (a) of this subsection and who later wishes to be eligible

for a retirement allowance shall have the option of ending his or her membership in the retirement system. A member wishing to end his or her membership under this subsection must file, on a form supplied by the department, a statement indicating that the member agrees to irrevocably abandon any claim for service for future periods served as an elected official. A member who receives more than fifteen thousand dollars per year in compensation for his or her elective service, adjusted annually for inflation by the director, is not eligible for the option provided by this subsection (3)(b);

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of: (a) Membership in the plan created under chapter 2.14 RCW; or (b) enrollment under the relief and compensation provisions or the pension provisions of the volunteer fire fighters' relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Retirement system retirees: PROVIDED, That following reemployment in an eligible position, a retiree may elect to prospectively become a member of the retirement system if otherwise eligible;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from: (a) Transferring all of its current employees to the retirement system established under this chapter, or (b) allowing newly hired employees the option of continuing coverage under the retirement system established by this chapter.

Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only if payment is made for the noncredited membership

service under RCW 41.50.165(2), otherwise service shall be from the date of application;

(17) The city manager or chief administrative officer of a city or town, other than a retiree, who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of April 4, 1986, shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1986, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

Persons serving in such positions who have not opted for membership within the specified thirty days, may do so by paying the amount required under RCW 41.50.165(2) for the period from the date of their appointment to the date of acceptance into membership;

(18) Persons serving as: (a) The chief administrative officer of a public utility district as defined in RCW 54.16.100; (b) the chief administrative officer of a port district formed under chapter 53.04 RCW; or (c) the chief administrative officer of a county who serves at the pleasure of an appointing authority: PROVIDED. That such persons shall have the option of applying for membership within thirty days from the date of their appointment to such positions. Persons serving in such positions as of the effective date of this act shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1999, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions upon termination of employment or as otherwise consistent with the plan's tax qualification status as defined in internal revenue code section 401.

Persons serving in such positions who have not opted for membership within the specified thirty days, may do so at a later date by paying the amount required under RCW 41.50.165(2) for the period from the date of their appointment to the date of acceptance into membership:

(19) Persons enrolled in state-approved apprenticeship programs, authorized under chapter 49.04 RCW, and who are employed by local governments to earn hours to complete such apprenticeship programs, if the employee is a member of a union-sponsored retirement plan and is making contributions to such a retirement plan or if the employee is a member of a Taft-Hartley retirement plan.

Passed the Senate April 22, 1999.

Passed the House April 12, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 287

[Engrossed Senate Bill 5962]

DIGITAL SIGNATURES—CERTIFICATION AUTHORITY

AN ACT Relating to the promotion of electronic commerce through digital signatures; amending RCW 19.34.010, 19.34.020, 19.34.030, 19.34.100, 19.34.110, 19.34.111, 19.34.120, 19.34.130, 19.34.200, 19.34.210, 19.34.231, 19.34.250, 19.34.280, 19.34.330, 19.34.400, 19.34.410, and 43.105.320; adding a new section to chapter 19.34 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 19.34.010 and 1996 c 250 s 102 are each amended to read as follows:

This chapter shall be construed consistently with what is commercially reasonable under the circumstances and to effectuate the following purposes:

- (1) To facilitate commerce by means of reliable electronic messages;
- (2) To ensure that electronic signatures are not denied legal recognition solely because they are in electronic form;
- (3) To provide a voluntary licensing mechanism for digital signature certification authorities by which businesses, consumers, courts, government agencies, and other entities can reasonably be assured as to the integrity, authenticity, and nonrepudiation of a digitally signed electronic communication;
- (4) To establish procedures governing the use of digital signatures for official public business to provide reasonable assurance of the integrity, authenticity, and nonrepudiation of an electronic communication;
- (5) To minimize the incidence of forged digital signatures and fraud in electronic commerce;
- ~~((3))~~ (6) To implement legally the general import of relevant standards (~~(such as X.509 of the international telecommunication union, formerly known as the international telegraph and telephone consultative committee)~~); and
- ~~((4))~~ (7) To establish, in coordination with ~~((multiple))~~ states and other jurisdictions, uniform rules regarding the authentication and reliability of electronic messages.

Sec. 2. RCW 19.34.020 and 1997 c 27 s 30 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Accept a certificate" means ~~((either:—(a))~~ to manifest approval of a certificate, while knowing or having notice of its contents ~~((; or—(b) To apply to a licensed certification authority for a certificate, without canceling or revoking the application by delivering notice of the cancellation or revocation to the certification authority and obtaining a signed, written receipt from the certification authority, if the certification authority subsequently issues a certificate based on the application)).~~ Such approval may be manifested by the use of the certificate.

(2) "Accept a digital signature" means to verify a digital signature or take an action in reliance on a digital signature.

(3) "Asymmetric cryptosystem" means an algorithm or series of algorithms that provide a secure key pair.

(4) "Certificate" means a computer-based record that:

(a) Identifies the certification authority issuing it;

(b) Names or identifies its subscriber;

(c) Contains the subscriber's public key; and

(d) Is digitally signed by the certification authority issuing it.

(5) "Certification authority" means a person who issues a certificate.

(6) "Certification authority disclosure record" means an on-line, publicly accessible record that concerns a licensed certification authority and is kept by the secretary. ~~((A certification authority disclosure record has the contents specified by rule by the secretary under RCW 19.34.030.))~~

(7) "Certification practice statement" means a declaration of the practices that a certification authority employs in issuing certificates ~~((generally, or employed in issuing a material certificate)).~~

(8) "Certify" means to declare with reference to a certificate, with ample opportunity to reflect, and with a duty to apprise oneself of all material facts.

(9) "Confirm" means to ascertain through appropriate inquiry and investigation.

(10) "Correspond," with reference to keys, means to belong to the same key pair.

(11) "Digital signature" means an electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person having the initial message and the signer's public key can accurately determine:

(a) Whether the transformation was created using the private key that corresponds to the signer's public key; and

(b) Whether the initial message has been altered since the transformation was made.

(12) "Electronic" means electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies.

(13) "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

(14) "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record, including but not limited to a digital signature.

(15) "Financial institution" means a national or state-chartered commercial bank or trust company, savings bank, savings association, or credit union authorized to do business in the state of Washington and the deposits of which are federally insured.

~~((13))~~ (16) "Forge a digital signature" means either:

(a) To create a digital signature without the authorization of the rightful holder of the private key; or

(b) To create a digital signature verifiable by a certificate listing as subscriber a person who either:

(i) Does not exist; or

(ii) Does not hold the private key corresponding to the public key listed in the certificate.

~~((14))~~ (17) "Hold a private key" means to be authorized to utilize a private key.

~~((15))~~ (18) "Incorporate by reference" means to make one message a part of another message by identifying the message to be incorporated and expressing the intention that it be incorporated.

~~((16))~~ (19) "Issue a certificate" means the acts of a certification authority in creating a certificate and notifying the subscriber listed in the certificate of the contents of the certificate.

~~((17))~~ (20) "Key pair" means a private key and its corresponding public key in an asymmetric cryptosystem, keys which have the property that the public key can verify a digital signature that the private key creates.

~~((18))~~ (21) "Licensed certification authority" means a certification authority to whom a license has been issued by the secretary and whose license is in effect.

~~((19))~~ (22) "Message" means a digital representation of information.

~~((20))~~ (23) "Notify" means to communicate a fact to another person in a manner reasonably likely under the circumstances to impart knowledge of the information to the other person.

~~((21))~~ (24) "Official public business" means any legally authorized transaction or communication among state agencies, tribes, and local governments, or between a state agency, tribe, or local government and a private person or entity.

(25) "Operative personnel" means one or more natural persons acting as a certification authority or its agent, or in the employment of, or under contract with, a certification authority, and who have:

(a) ~~(Managerial or policymaking responsibilities for the certification authority; or~~

~~(b)) Duties directly involving the issuance of certificates, creation of private keys(~~(- or administration of a certification authority's computing facilities));~~~~

(b) Responsibility for the secure operation of the trustworthy system used by the certification authority or any recognized repository;

(c) Direct responsibility, beyond general supervisory authority, for establishing or adopting policies regarding the operation and security of the certification authority; or

(d) Such other responsibilities or duties as the secretary may establish by rule.

~~((22))~~ (26) "Person" means a human being or an organization capable of signing a document, either legally or as a matter of fact.

~~((23))~~ (27) "Private key" means the key of a key pair used to create a digital signature.

~~((24))~~ (28) "Public key" means the key of a key pair used to verify a digital signature.

~~((25))~~ (29) "Publish" means to ~~((record or file in a repository))~~ make information publicly available.

~~((26))~~ (30) "Qualified right to payment" means an award of damages against a licensed certification authority by a court having jurisdiction over the certification authority in a civil action for violation of this chapter.

~~((27))~~ (31) "Recipient" means a person who has received a certificate and a digital signature verifiable with reference to a public key listed in the certificate and is in a position to rely on it.

~~((28))~~ (32) "Recognized repository" means a repository recognized by the secretary under RCW 19.34.400.

~~((29))~~ (33) "Recommended reliance limit" means the monetary amount recommended for reliance on a certificate under RCW 19.34.280(1).

~~((30))~~ (34) "Repository" means a system for storing and retrieving certificates and other information relevant to digital signatures.

~~((31))~~ (35) "Revoke a certificate" means to make a certificate ineffective permanently from a specified time forward. Revocation is effected by notation or inclusion in a set of revoked certificates, and does not imply that a revoked certificate is destroyed or made illegible.

~~((32))~~ (36) "Rightfully hold a private key" means the authority to utilize a private key:

(a) That the holder or the holder's agents have not disclosed to a person in violation of RCW 19.34.240(1); and

(b) That the holder has not obtained through theft, deceit, eavesdropping, or other unlawful means.

~~((33))~~ (37) "Secretary" means the secretary of state.

~~((34))~~ (38) "Subscriber" means a person who:

(a) Is the subject listed in a certificate;

(b) ~~Applies for or~~ accepts the certificate; and

(c) Holds a private key that corresponds to a public key listed in that certificate.

~~((35))~~ (39) "Suitable guaranty" means either a surety bond executed by a surety authorized by the insurance commissioner to do business in this state, or an irrevocable letter of credit issued by a financial institution authorized to do business in this state, which, in either event, satisfies all of the following requirements:

(a) It is issued payable to the secretary for the benefit of persons holding qualified rights of payment against the licensed certification authority named as the principal of the bond or customer of the letter of credit;

(b) It is in an amount specified by rule by the secretary under RCW 19.34.030;

- (c) It states that it is issued for filing under this chapter;
- (d) It specifies a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority; and
- (e) It is in a form prescribed or approved by rule by the secretary.

A suitable guaranty may also provide that the total annual liability on the guaranty to all persons making claims based on it may not exceed the face amount of the guaranty.

~~((36))~~ (40) "Suspend a certificate" means to make a certificate ineffective temporarily for a specified time forward.

~~((37))~~ (41) "Time stamp" means either:

(a) To append or attach ~~((to a message, digital signature, or certificate))~~ a digitally signed notation indicating at least the date, time, and identity of the person appending or attaching the notation to a message, digital signature, or certificate;
or

(b) The notation thus appended or attached.

~~((38))~~ (42) "Transactional certificate" means a valid certificate incorporating by reference one or more digital signatures.

~~((39))~~ (43) "Trustworthy system" means computer hardware and software that:

(a) Are reasonably secure from intrusion and misuse; and

(b) ~~((Provide a reasonable level of availability, reliability, and correct operation; and~~

~~—(e) Are reasonably suited to performing their intended functions))~~ Conform with the requirements established by the secretary by rule.

~~((40))~~ (44) "Valid certificate" means a certificate that:

(a) A licensed certification authority has issued;

(b) The subscriber listed in it has accepted;

(c) Has not been revoked or suspended; and

(d) Has not expired.

However, a transactional certificate is a valid certificate only in relation to the digital signature incorporated in it by reference.

~~((41))~~ (45) "Verify a digital signature" means, in relation to a given digital signature, message, and public key, to determine accurately that:

(a) The digital signature was created by the private key corresponding to the public key; and

(b) The message has not been altered since its digital signature was created.

NEW SECTION. Sec. 3. A new section is added to chapter 19.34 RCW to read as follows:

The presumptions of validity and reasonableness of conduct, and the limitations on liability in this chapter do not apply to electronic records or electronic signatures except for digital signatures created in conformance with all of the requirements of this chapter and rules adopted under this chapter.

Sec. 4. RCW 19.34.030 and 1997 c 27 s 1 are each amended to read as follows:

(1) The secretary must ~~((maintain a publicly accessible data base containing))~~ publish a certification authority disclosure record for each licensed certification authority, and a list of all judgments filed with the secretary, within the previous five years, under RCW 19.34.290. ~~((The secretary must publish the contents of the data base in at least one recognized repository.))~~

(2) The secretary may adopt rules consistent with this chapter and in furtherance of its purposes:

(a) To ~~((govern licensed))~~ license certification authorities ~~((and)), ((recognized))~~ recognize repositories, ~~((their practice, and the termination of a licensed certification authority's or recognized repository's practice))~~ certify operative personnel, and govern the practices of each;

(b) To determine ~~((an))~~ the form and amount reasonably appropriate for a suitable guaranty, in light of the burden a suitable guaranty places upon licensed certification authorities and the assurance of quality and financial responsibility it provides to persons who rely on certificates issued by licensed certification authorities;

(c) To specify reasonable requirements for information to be contained in or the form of certificates, including transactional certificates, issued by licensed certification authorities, in accordance with generally accepted standards for digital signature certificates;

(d) To specify reasonable requirements for recordkeeping by licensed certification authorities;

(e) To specify reasonable requirements for the content, form, and sources of information in certification authority disclosure records, the updating and timeliness of the information, and other practices and policies relating to certification authority disclosure records;

(f) To specify the form of and information required in certification practice statements, as well as requirements regarding the publication of certification practice statements;

(g) To specify the procedure and manner in which a certificate may be suspended or revoked, as consistent with this chapter; ~~((and))~~

(h) To specify the procedure and manner by which the laws of other jurisdictions may be recognized, in order to further uniform rules regarding the authentication and reliability of electronic messages; and

(i) Otherwise to give effect to and implement this chapter.

(3) The secretary may act as a certification authority, and the certificates issued by the secretary shall be treated as having been issued by a licensed certification authority.

Sec. 5. RCW 19.34.100 and 1998 c 33 s 1 are each amended to read as follows:

(1) To obtain or retain a license, a certification authority must:

~~(a) ((Be the subscriber of a certificate published in a recognized repository, which may include any repository maintained by the secretary;~~

~~— (b) Knowingly employ as operative personnel only persons who have not been convicted within the past seven years of a felony and have never been convicted of a crime involving fraud, false statement, or deception. The secretary may provide by rule for the manner in which criminal background information is provided as part of the licensing process. For purposes of this provision, a certification authority knowingly employs such a person if the certification authority knew of a conviction, or should have known based upon the background information required by rule of the secretary;~~

~~— (c) Employ as operative personnel only persons who have demonstrated knowledge and proficiency in following the requirements of this chapter;~~

~~— (d)) Provide proof of identity to the secretary;~~

~~(b) Employ only certified operative personnel in appropriate positions;~~

~~(c) File with the secretary ((a)) an appropriate, suitable guaranty, unless the certification authority is a city or county that is self-insured or the department of information services;~~

~~((e)) (d) Use a trustworthy system ((, including a secure means for limiting access to its private key));~~

~~((f)) (e) Maintain an office in this state or have established a registered agent for service of process in this state; and~~

~~((g)) (f) Comply with all further licensing and practice requirements established by rule by the secretary.~~

~~(2) ((The secretary must issue a license to a certification authority that:~~

~~— (a) Is qualified under subsection (1) of this section;~~

~~— (b) Applies in writing to the secretary for a license; and~~

~~— (c) Pays a filing fee adopted by rule by the secretary.~~

~~— (3)) The secretary may by rule ((classify licenses)) create license classifications according to specified limitations, ((such as a maximum number of outstanding certificates, cumulative maximum of recommended reliance limits in certificates issued by the certification authority, or issuance only within a single firm or organization;)) and the secretary may issue licenses restricted according to the limits of each classification. ((The liability limits of RCW 19.34.280 do not apply to a certificate issued by a certification authority that exceeds the restrictions of the certification authority's license.))~~

~~(3) The secretary may impose license restrictions specific to the practices of an individual certification authority. The secretary shall set forth in writing and maintain as part of the certification authority's license application file the basis for such license restrictions.~~

~~(4) The secretary may revoke or suspend a certification authority's license, in accordance with the administrative procedure act, chapter 34.05 RCW, for failure to comply with this chapter or for failure to remain qualified under subsection (1) of this section. The secretary may order the summary suspension of a license~~

pending proceedings for revocation or other action, which must be promptly instituted and determined, if the secretary includes within a written order a finding that the certification authority has either:

(a) Utilized its license in the commission of a violation of a state or federal criminal statute or of chapter 19.86 RCW; or

(b) Engaged in conduct giving rise to a serious risk of loss to public or private parties if the license is not immediately suspended.

(5) The secretary may recognize by rule the licensing or authorization of certification authorities by other governmental entities, in whole or in part, provided that those licensing or authorization requirements are substantially similar to those of this state. If licensing by another government is so recognized:

(a) RCW 19.34.300 through 19.34.350 apply to certificates issued by the certification authorities licensed or authorized by that government in the same manner as it applies to licensed certification authorities of this state; and

(b) The liability limits of RCW 19.34.280 apply to the certification authorities licensed or authorized by that government in the same manner as they apply to licensed certification authorities of this state.

~~(6) ((Unless the parties provide otherwise by contract between themselves, the licensing requirements in this section do not affect the effectiveness, enforceability, or validity of any digital signature, except that RCW 19.34.300 through 19.34.350 do not apply to a certificate, and associated digital signature, issued by an unlicensed certification authority:~~

~~—(7))~~ A certification authority that has not obtained a license is not subject to the provisions of this chapter, except as specifically provided.

Sec. 6. RCW 19.34.110 and 1997 c 27 s 5 are each amended to read as follows:

(1) A licensed certification authority shall obtain a compliance audit ~~((as may be more fully defined by rule of the secretary, at least once every year. The auditor shall issue an opinion evaluating the degree to which the certification authority conforms to the requirements of this chapter and the administrative rules adopted by))~~ at such times and in such manner as directed by rule of the secretary. If the certification authority is also a recognized repository, the audit must include the repository.

(2) The certification authority shall file a copy of the audit report with the secretary. The secretary may provide by rule for filing of the report in an electronic format ~~((The secretary shall))~~ and may publish the report in the certification authority disclosure record it maintains for the certification authority.

Sec. 7. RCW 19.34.111 and 1997 c 27 s 6 are each amended to read as follows:

(1) ~~((a))~~ An auditor signing a report of opinion as to a compliance audit required by RCW 19.34.110 must:

~~((a))~~ (a) Be a certified public accountant, licensed under chapter 18.04 RCW or equivalent licensing statute of another jurisdiction; ~~((or))~~ and

~~((#))~~ (b) Meet such other qualifications as the secretary may establish by rule.

~~((b) Auditors must either possess such computer security qualifications as are necessary to conduct the audit or employ, contract, or associate with firms or individuals who do. The secretary may adopt rules establishing qualifications as to expertise or experience in computer security:))~~

(2) The compliance audits of state agencies and local governments who are licensed certification authorities, and the secretary, must be performed under the authority of the state auditor. The state auditor may contract with private entities as needed to comply with this chapter.

Sec. 8. RCW 19.34.120 and 1997 c 27 s 7 are each amended to read as follows:

(1) The secretary may investigate the activities of a licensed certification authority material to its compliance with this chapter and issue orders to a certification authority to further its investigation and secure compliance with this chapter.

(2) The secretary may suspend or revoke the license of a certification authority for its failure to comply with an order of the secretary.

(3) The secretary may by order impose and collect a civil ~~((monetary))~~ penalty against a licensed certification authority for a violation of this chapter ~~((in an amount))~~. The penalty shall not ~~((to))~~ exceed ten thousand dollars per incident, or ninety percent of the recommended reliance limit of a material certificate, whichever is less. In case of a violation continuing for more than one day, each day is considered a separate incident. The secretary may adopt rules setting forth the standards governing the exercise of the secretary's discretion as to penalty amounts. In the case of a state agency authorized by law to be a licensed certification authority, the sole penalty imposed under this subsection shall consist of specific findings of noncompliance and an order requiring compliance with this chapter and the rules of the secretary. Any penalty imposed under this chapter and chapter 34.05 RCW shall be enforceable in any court of competent jurisdiction.

(4) The secretary may order a certification authority, which it has found to be in violation of this chapter, to pay the costs incurred by the secretary in prosecuting and adjudicating proceedings relative to the order, and enforcing it.

(5) The secretary must exercise authority under this section in accordance with the administrative procedure act, chapter 34.05 RCW, and a licensed certification authority may obtain judicial review of the secretary's actions as prescribed by chapter 34.05 RCW. The secretary may also seek injunctive relief to compel compliance with an order.

Sec. 9. RCW 19.34.130 and 1996 c 250 s 204 are each amended to read as follows:

(1) No certification authority, whether licensed or not, may conduct its business in a manner that creates an unreasonable risk of loss to subscribers of the

certification authority, to persons relying on certificates issued by the certification authority, or to a repository.

(2) The secretary may publish ~~((in the repository it provides, or elsewhere,))~~ brief statements advising subscribers, persons relying on digital signatures, or other repositories about activities of a certification authority, whether licensed or not, that create a risk prohibited by subsection (1) of this section. The certification authority named in a statement as creating or causing such a risk may protest the publication of the statement by filing a written defense of ten thousand bytes or less. Upon receipt of such a protest, the secretary must publish the protest along with the secretary's statement, and must promptly give the protesting certification authority notice and an opportunity to be heard. Following the hearing, the secretary must rescind the advisory statement if its publication was unwarranted under this section, cancel it if its publication is no longer warranted, continue or amend it if it remains warranted, or take further legal action to eliminate or reduce a risk prohibited by subsection (1) of this section. The secretary must publish its decision in the repository it provides.

(3) In the manner provided by the administrative procedure act, chapter 34.05 RCW, the secretary may issue orders and obtain injunctions or other civil relief to prevent or restrain a certification authority from violating this section, regardless of whether the certification authority is licensed. This section does not create a right of action in a person other than the secretary.

Sec. 10. RCW 19.34.200 and 1997 c 27 s 8 are each amended to read as follows:

(1) A licensed certification authority ~~((or subscriber))~~ shall use only a trustworthy system~~((:~~

~~—(a)) to issue, suspend, or revoke ((a certificate;~~

~~—(b)) certificates. A licensed certification authority shall use a recognized repository to publish or give notice of the issuance, suspension, or revocation of a certificate((; or~~

~~—(c) To create a private key)).~~

(2) A licensed certification authority ~~((must disclose any material certification practice statement, and any fact material to either the reliability of a certificate that it has issued or its ability to perform its services. A certification authority may require a signed, written, and reasonably specific inquiry from an identified person, and payment of reasonable compensation, as conditions precedent to effecting a disclosure required in this subsection.))~~ shall publish a certification practice statement in accordance with the rules established by the secretary. The secretary shall publish the certification practice statements of licensed certification authorities submitted as part of the licensing process in a manner similar to the publication of the certification authority disclosure record.

(3) A licensed certification authority shall knowingly employ as operative personnel only persons who have not been convicted within the past seven years of a felony and have never been convicted of a crime involving fraud, false

statement, or deception. For purposes of this subsection, a certification authority knowingly employs such a person if the certification authority knew of a conviction, or should have known based on information required by rule of the secretary. Operative personnel employed by a licensed certification authority must also be persons who have demonstrated knowledge and proficiency in following the requirements of this chapter. The secretary may provide by rule for the certification of operative personnel, and provide by rule for the manner in which criminal background information is provided as part of the certification process, as well as the manner in which knowledge and proficiency in following the requirements of this chapter may be demonstrated.

Sec. 11. RCW 19.34.210 and 1997 c 27 s 9 are each amended to read as follows:

(1) A licensed certification authority may issue a certificate to a subscriber only after all of the following conditions are satisfied:

(a) The certification authority has received a request for issuance signed by the prospective subscriber; and

(b) The certification authority has confirmed that:

(i) The prospective subscriber is the person to be listed in the certificate to be issued;

(ii) If the prospective subscriber is acting through one or more agents, the subscriber duly authorized the agent or agents to have custody of the subscriber's private key and to request issuance of a certificate listing the corresponding public key;

(iii) The information in the certificate to be issued is accurate;

(iv) The prospective subscriber rightfully holds the private key corresponding to the public key to be listed in the certificate;

(v) The prospective subscriber holds a private key capable of creating a digital signature;

(vi) The public key to be listed in the certificate can be used to verify a digital signature affixed by the private key held by the prospective subscriber; and

(vii) The certificate provides information sufficient to locate or identify one or more repositories in which notification of the revocation or suspension of the certificate will be listed if the certificate is suspended or revoked.

(c) The requirements of this subsection may not be waived or disclaimed by either the licensed certification authority, the subscriber, or both.

(2) ~~((If the subscriber accepts the issued certificate, the certification authority must publish a signed copy of the certificate in a recognized repository, as the certification authority and the subscriber named in the certificate may agree, unless a contract))~~ In confirming that the prospective subscriber is the person to be listed in the certificate to be issued, a licensed certification authority shall make a reasonable inquiry into the subscriber's identity in light of:

(a) Any statements made by the certification authority regarding the reliability of the certificate;

(b) The reliance limit of the certificate;

(c) Any recommended uses or applications for the certificate; and

(d) Whether the certificate is a transactional certificate or not.

(3) A certification authority shall be presumed to have confirmed that the prospective subscriber is the person to be listed in a certificate where:

(a) The subscriber appears before the certification authority and presents identification documents consisting of at least one of the following:

(i) A current identification document issued by or under the authority of the United States, or such similar identification document issued under the authority of another country;

(ii) A current driver's license issued by a state of the United States; or

(iii) A current personal identification card issued by a state of the United States; and

(b) Operative personnel certified according to law or a notary has reviewed and accepted the identification information of the subscriber.

(4) The certification authority may establish policies regarding the publication of certificates in its certification practice statement, which must be adhered to unless an agreement between the certification authority and the subscriber provides otherwise. If the ((subscriber does not accept the certificate, a licensed certification authority must not publish it, or must cancel its publication if the certificate has already been published)) certification authority does not establish such a policy, the certification authority must publish a signed copy of the certificate in a recognized repository.

~~((3))~~ (5) Nothing in this section precludes a licensed certification authority from conforming to standards, certification practice statements, security plans, or contractual requirements more rigorous than, but nevertheless consistent with, this chapter.

~~((4))~~ (6) After issuing a certificate, a licensed certification authority must revoke it immediately upon confirming that it was not issued as required by this section. A licensed certification authority may also suspend a certificate that it has issued for a ((reasonable)) period not exceeding ((ninety-six hours)) five business days as needed for an investigation to confirm grounds for revocation under this subsection. The certification authority must give notice to the subscriber as soon as practicable after a decision to revoke or suspend under this subsection.

~~((5))~~ (7) The secretary may order the licensed certification authority to suspend or revoke a certificate that the certification authority issued, if, after giving any required notice and opportunity for the certification authority and subscriber to be heard in accordance with the administrative procedure act, chapter 34.05 RCW, the secretary determines that:

(a) The certificate was issued without substantial compliance with this section; and

(b) The noncompliance poses a significant risk to persons ((reasonably)) relying on the certificate.

Upon determining that an emergency requires an immediate remedy, and in accordance with the administrative procedure act, chapter 34.05 RCW, the secretary may issue an order suspending a certificate for a period not to exceed ~~((ninety-six hours))~~ five business days.

Sec. 12. RCW 19.34.231 and 1997 c 27 s 10 are each amended to read as follows:

(1) If a signature of a unit of state or local government, including its appropriate officers or employees, ~~((may)) is required by statute, administrative rule, court rule, or requirement of the office of financial management, that unit of state or local government shall become a subscriber to a certificate issued by a licensed certification authority for purposes of conducting official public business~~~~((; but only if the certificate is issued by a licensed certification authority. A unit of state government, except the secretary and the department of information services, may not act as a certification authority))~~ with electronic records.

(2) A city or county may become a licensed certification authority under RCW 19.34.100 for purposes of providing services to local government, if authorized by ordinance adopted by the city or county legislative authority.

(3) ~~((The limitation to licensed certification authorities in subsection (1) of this section does not apply to uses of digital signatures or key pairs limited to internal agency procedures, as to which the signature is not required by statute, administrative rule, court rule, or requirement of the office of financial management.))~~ A unit of state government, except the secretary and the department of information services, may not act as a certification authority.

Sec. 13. RCW 19.34.250 and 1997 c 27 s 12 are each amended to read as follows:

(1) Unless the certification authority ~~((and the subscriber agree))~~ provides otherwise in the certificate or its certification practice statement, the licensed certification authority that issued a certificate that is not a transactional certificate must suspend the certificate for a period not to exceed ~~((ninety-six hours))~~ five business days:

(a) Upon request by a person whom the certification authority reasonably believes to be: (i) The subscriber named in the certificate; (ii) a person duly authorized to act for that subscriber; or (iii) a person acting on behalf of the unavailable subscriber; or

(b) By order of the secretary under RCW 19.34.210(5).

The certification authority need not confirm the identity or agency of the person requesting suspension. The certification authority may require the person requesting suspension to provide evidence, including a statement under oath or affirmation, regarding the requestor's identity, authorization, or the unavailability of the subscriber. Law enforcement agencies may investigate suspensions for possible wrongdoing by persons requesting suspension.

(2) Unless the ~~((certificate))~~ certification authority provides otherwise ~~((or))~~ in the certificate ~~((is a transactional certificate))~~ or its certification practice

statement, the secretary may suspend a certificate issued by a licensed certification authority for a period not to exceed ~~((ninety-six hours))~~ **five business days**, if:

(a) A person identifying himself or herself as the subscriber named in the certificate, a person authorized to act for that subscriber, or a person acting on behalf of that unavailable subscriber [requests suspension]; and

(b) The requester represents that the certification authority that issued the certificate is unavailable.

The secretary may require the person requesting suspension to provide evidence, including a statement under oath or affirmation, regarding his or her identity, authorization, or the unavailability of the issuing certification authority, and may decline to suspend the certificate in its discretion. Law enforcement agencies may investigate suspensions by the secretary for possible wrongdoing by persons requesting suspension.

(3) Immediately upon suspension of a certificate by a licensed certification authority, the licensed certification authority must give notice of the suspension according to the specification in the certificate. If one or more repositories are specified, then the licensed certification authority must publish a signed notice of the suspension in all the repositories. If a repository no longer exists or refuses to accept publication, or if no repository is recognized under RCW 19.34.400, the licensed certification authority must also publish the notice in a recognized repository. If a certificate is suspended by the secretary, the secretary must give notice as required in this subsection for a licensed certification authority, provided that the person requesting suspension pays in advance any fee required by a repository for publication of the notice of suspension.

(4) A certification authority must terminate a suspension initiated by request only:

(a) If the subscriber named in the suspended certificate requests termination of the suspension, the certification authority has confirmed that the person requesting suspension is the subscriber or an agent of the subscriber authorized to terminate the suspension; or

(b) When the certification authority discovers and confirms that the request for the suspension was made without authorization by the subscriber. However, this subsection (4)(b) does not require the certification authority to confirm a request for suspension.

(5) The contract between a subscriber and a licensed certification authority may limit or preclude requested suspension by the certification authority, or may provide otherwise for termination of a requested suspension. However, if the contract limits or precludes suspension by the secretary when the issuing certification authority is unavailable, the limitation or preclusion is effective only if notice of it is published in the certificate.

(6) No person may knowingly or intentionally misrepresent to a certification authority his or her identity or authorization in requesting suspension of a certificate. Violation of this subsection is a gross misdemeanor.

(7) The secretary may authorize other state or local governmental agencies to perform any of the functions of the secretary under this section upon a regional basis. The authorization must be formalized by an agreement under chapter 39.34 RCW. The secretary may provide by rule the terms and conditions of the regional services.

(8) A suspension under this section must be completed within twenty-four hours of receipt of all information required in this section.

Sec. 14. RCW 19.34.280 and 1997 c 27 s 14 are each amended to read as follows:

(1) By clearly specifying a recommended reliance limit in a certificate and in the certification practice statement, the issuing certification authority recommends that persons rely on the certificate only to the extent that the total amount at risk does not exceed the recommended reliance limit.

(2) Subject to subsection (3) of this section, unless a licensed certification authority waives application of this subsection, a licensed certification authority is:

(a) Not liable for a loss caused by reliance on a false or forged digital signature of a subscriber, if, with respect to the false or forged digital signature, the certification authority complied with all material requirements of this chapter;

(b) Not liable in excess of the amount specified in the certificate as its recommended reliance limit for either:

(i) A loss caused by reliance on a misrepresentation in the certificate of a fact that the licensed certification authority is required to confirm; or

(ii) Failure to comply with RCW 19.34.210 in issuing the certificate;

(c) Not liable for:

(i) Punitive or exemplary damages. Nothing in this chapter may be interpreted to permit punitive or exemplary damages that would not otherwise be permitted by the law of this state; or

(ii) Damages for pain or suffering.

(3) Nothing in subsection (2)(a) of this section relieves a licensed certification authority of its liability for breach of any of the warranties or certifications it gives under RCW 19.34.220 or for its lack of good faith, which warranties and obligation of good faith may not be disclaimed. However, the standards by which the performance of a licensed certification authority's obligation of good faith is to be measured may be determined by agreement or notification complying with subsection (4) of this section if the standards are not manifestly unreasonable. The liability of a licensed certification authority under this subsection is subject to the limitations in subsection (2)(b) and (c) of this section unless the limits are waived by the licensed certification authority.

(4) Consequential or incidental damages may be liquidated, or may otherwise be limited, altered, or excluded unless the limitation, alteration, or exclusion is unconscionable. A licensed certification authority may liquidate, limit, alter, or exclude consequential or incidental damages as provided in this subsection by agreement or by notifying any person who will rely on a certificate of the

liquidation, limitation, alteration, or exclusion before the person relies on the certificate.

Sec. 15. RCW 19.34.330 and 1996 c 250 s 404 are each amended to read as follows:

~~A ((copy of a)) digitally signed message ((is as effective, valid, and enforceable as the original of the message, unless it is evident that the signer designated an instance of the digitally signed message to be a unique original, in which case only that instance constitutes the valid, effective, and enforceable)) shall be deemed to be an original of the message.~~

Sec. 16. RCW 19.34.400 and 1997 c 27 s 23 are each amended to read as follows:

(1) The secretary must recognize one or more repositories, after finding that a repository to be recognized:

(a) Is a licensed certification authority;

(b) Includes, or will include, a data base containing:

(i) Certificates published in the repository;

(ii) Notices of suspended or revoked certificates published by licensed certification authorities or other persons suspending or revoking certificates; ~~and~~

~~((iii)) ((Certification authority disclosure records for licensed certification authorities;~~

~~—(iv) All orders or advisory statements published by the secretary in regulating certification authorities; and~~

~~—(v)) Other information adopted by rule by the secretary;~~

(c) Operates by means of a trustworthy system, that may, under administrative rule of the secretary, include additional or different attributes than those applicable to a certification authority that does not operate as a recognized repository;

(d) Contains no significant amount of information that is known or likely to be untrue, inaccurate, or not reasonably reliable;

~~(e) ((Contains certificates published by certification authorities that conform to legally binding requirements that the secretary finds to be substantially similar to, or more stringent toward the certification authorities, than those of this state;~~

~~—(f)) Keeps ((an archive)) a record of certificates that have been suspended or revoked, or that have expired, ((within at least the past three years)) in accordance with requirements adopted by rule by the secretary; and~~

(g) Complies with other reasonable requirements adopted by rule by the secretary.

(2) A repository may apply to the secretary for recognition by filing a written request and providing evidence to the secretary sufficient for the secretary to find that the conditions for recognition are satisfied, in accordance with requirements adopted by rule by the secretary.

(3) A repository may discontinue its recognition by filing thirty days' written notice with the secretary, upon meeting any conditions for discontinuance adopted by rule by the secretary. In addition the secretary may discontinue recognition of

a repository in accordance with the administrative procedure act, chapter 34.05 RCW, if the secretary concludes that the repository no longer satisfies the conditions for recognition listed in this section or in rules adopted by the secretary.

Sec. 17. RCW 19.34.410 and 1997 c 27 s 33 are each amended to read as follows:

(1) Notwithstanding a disclaimer by the repository or a contract to the contrary between the repository, a certification authority, or a subscriber, a repository is liable for a loss incurred by a person reasonably relying on a digital signature verified by the public key listed in a certificate that has been suspended or revoked by the licensed certification authority that issued the certificate, if loss was incurred more than one business day after receipt by the repository of a request from the issuing licensed certification authority to publish notice of the suspension or revocation, and the repository had failed to publish the notice when the person relied on the digital signature.

(2) Unless waived, a recognized repository or the owner or operator of a recognized repository is:

(a) Not liable for failure to record publication of a suspension or revocation, unless the repository has received notice of publication and one business day has elapsed since the notice was received;

(b) Not liable under subsection (1) of this section in excess of the amount specified in the certificate as the recommended reliance limit;

(c) Not liable under subsection (1) of this section for:

(i) Punitive or exemplary damages; or

(ii) Damages for pain or suffering;

(d) Not liable for misrepresentation in a certificate published by a licensed certification authority;

(e) Not liable for accurately recording or reporting information that a licensed certification authority, or court clerk, or the secretary has published as required or permitted in this chapter, including information about suspension or revocation of a certificate;

(f) Not liable for reporting information about a certification authority, a certificate, or a subscriber, if the information is published as required or permitted in this chapter or a rule adopted by the secretary, or is published by order of the secretary in the performance of the licensing and regulatory duties of that office under this chapter.

(3) Consequential or incidental damages may be liquidated, or may otherwise be limited, altered, or excluded unless the limitation, alteration, or exclusion is unconscionable. A recognized repository may liquidate, limit, alter, or exclude damages as provided in this subsection by agreement, or by notifying any person who will rely on a digital signature verified by the public key listed in a suspended or revoked certificate of the liquidation, limitation, alteration, or exclusion before the person relies on the certificate.

Sec. 18. RCW 43.105.320 and 1997 c 27 s 29 are each amended to read as follows:

The department of information services may become a licensed certification authority, under chapter 19.34 RCW, for the purpose of providing services to ~~((state and local government))~~ agencies, local governments, and other entities and persons for purposes of official state business. The department is not subject to RCW 19.34.100(1)(a). The department shall only issue certificates, as defined in RCW 19.34.020, in which the subscriber is:

- (1) The state of Washington or a department, office, or agency of the state;
- (2) A city, county, district, or other municipal corporation, or a department, office, or agency of the city, county, district, or municipal corporation;
- (3) An agent or employee of an entity described by subsection (1) or (2) of this section, for purposes of official public business; ~~((or))~~

(4) Any other person or entity engaged in matters of official public business, however, such certificates shall be limited only to matters of official public business. The department may issue certificates to such persons or entities only if after issuing a request for proposals from certification authorities licensed under chapter 19.34 RCW and review of the submitted proposals, makes a determination that such private services are not sufficient to meet the department's published requirements. The department must set forth in writing the basis of any such determination and provide procedures for challenge of the determination as provided by the state procurement requirements; or

(5) An applicant for a license as a certification authority for the purpose of compliance with RCW 19.34.100(1)(a).

NEW SECTION. Sec. 19. (1) If the department of information services issues certificates to nongovernmental entities or individuals pursuant to section 18(4) of this act, the office of financial management shall convene a task force, which shall include both governmental and nongovernmental representatives, to review the practice of the state issuing certificates to nongovernmental entities or individuals for the purpose of conducting official public business. The task force shall prepare and submit its findings to the appropriate legislative committees by December 31, 2000.

(2) This section expires June 30, 2001.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the Senate April 22, 1999.

Passed the House April 15, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 288

[Substitute Senate Bill 6063]

EMERGENCY RESERVE FUND—INVESTMENTS

AN ACT Relating to the authority of the state investment board to invest and reinvest moneys in the emergency reserve fund; adding a new section to chapter 43.135 RCW; adding a new section to chapter 43.33A RCW; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 43.135 RCW to read as follows:

(1) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment moneys in the emergency reserve fund. All investment and operating costs associated with the investment of money shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the fund.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policies established by the state investment board.

(3) As deemed appropriate by the state investment board, moneys in the fund may be commingled for investment with other funds subject to investment by the board.

NEW SECTION. Sec. 2. A new section is added to chapter 43.33A RCW to read as follows:

Pursuant to section 1 of this act, the state investment board shall invest moneys in the emergency reserve fund established in chapter 43.135 RCW with full power to establish investment policies for the fund.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the Senate March 17, 1999.

Passed the House April 12, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 289

[Second Substitute House Bill 1037]

COMMERCIAL ELECTRONIC MAIL—TRANSMISSION

AN ACT Relating to commercial electronic mail; amending RCW 19.190.010, 19.190.020, and 19.190.030; and repealing RCW 19.190.005.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 19.190.010 and 1998 c 149 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assist the transmission" means actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any practice that violates the consumer protection act.

(2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease. It does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the sender has agreed to such an arrangement.

~~((2))~~ (3) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

~~((3))~~ (4) "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by any intervening interactive computer service that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

~~((4))~~ (5) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

~~((5))~~ (6) "Internet domain name" refers to a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

(7) "Person" means a person, corporation, partnership, or association.

Sec. 2. RCW 19.190.020 and 1998 c 149 s 3 are each amended to read as follows:

(1) No person(~~, corporation, partnership, or association~~) may initiate the transmission, conspire with another to initiate the transmission, or assist the transmission, of a commercial electronic mail message from a computer located in Washington or to an electronic mail address that the sender knows, or has reason to know, is held by a Washington resident that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) Contains false or misleading information in the subject line.

(2) For purposes of this section, a person(~~(, corporation, partnership, or association))~~) knows that the intended recipient of a commercial electronic mail message is a Washington resident if that information is available, upon request, from the registrant of the internet domain name contained in the recipient's electronic mail address.

Sec. 3. RCW 19.190.030 and 1998 c 149 s 4 are each amended to read as follows:

(1) It is a violation of the consumer protection act, chapter 19.86 RCW, to conspire with another person to initiate the transmission or to initiate the transmission of a commercial electronic mail message that:

(a) Uses a third party's internet domain name without permission of the third party, or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or

(b) Contains false or misleading information in the subject line.

(2) It is a violation of the consumer protection act, chapter 19.86 RCW, to assist in the transmission of a commercial electronic mail message, when the person providing the assistance knows, or consciously avoids knowing, that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

(3) The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 4. RCW 19.190.005 (Findings) and 1998 c 149 s 1 are each repealed.

Passed the House April 24, 1999.

Passed the Senate April 23, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 290

[House Bill 1042]

GOVERNMENT SOFTWARE—PUBLIC INSPECTION EXEMPTION

AN ACT Relating to state agency and local government-owned software; and amending RCW 42.17.310.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 42.17.310 and 1998 c 69 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released

to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(fl) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(nn) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(oo) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Passed the House February 26, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 291

[Engrossed House Bill 1151]

DAIRY AND FOOD LAWS

AN ACT Relating to updating or repealing dairy and food laws; amending RCW 15.36.012, 15.36.021, 15.36.051, 15.36.081, 15.36.111, 15.36.151, 15.36.161, 15.36.171, 15.36.181, 15.36.191, 15.36.231, 15.36.401, 15.36.421, 15.36.451, 15.36.471, 15.36.481, 15.36.491, 15.36.511, 15.36.551, 15.36.561, 16.49.435, 16.49.670, 16.67.030, 35A.69.010, and 69.04.930; reenacting and amending RCW 15.36.201; adding new sections to chapter 15.36 RCW; repealing RCW 15.36.031, 15.36.061, 15.36.121, 15.36.211, 15.36.251, 15.36.291, 15.36.301, 15.36.311, 15.36.411, 15.36.431, 15.36.441, 15.36.461, 15.36.501, 15.36.521, 15.38.001, 15.38.010, 15.38.020, 15.38.030, 15.38.040, 15.38.050, 15.40.010, 15.40.030, 15.40.040, 15.40.050, 15.40.900, 15.41.010, 15.41.020, 16.48.120, 16.48.280, 16.48.310, 16.48.311, 16.48.312, 16.48.320, 16.48.325, 16.49A.010, 16.49A.020, 16.49A.030, 16.49A.040, 16.49A.050, 16.49A.060, 16.49A.070, 16.49A.080, 16.49A.090, 16.49A.100, 16.49A.110, 16.49A.120, 16.49A.130, 16.49A.140, 16.49A.150, 16.49A.160, 16.49A.170, 16.49A.180, 16.49A.190, 16.49A.200, 16.49A.210, 16.49A.220, 16.49A.230, 16.49A.240, 16.49A.250, 16.49A.255, 16.49A.260, 16.49A.270, 16.49A.280, 16.49A.290, 16.49A.300, 16.49A.310, 16.49A.320, 16.49A.330, 16.49A.340, 16.49A.350, 16.49A.360, 16.49A.370, 16.49A.380, 16.49A.390, 16.49A.400, 16.49A.410, 16.49A.420, 16.49A.430, 16.49A.440, 16.49A.450, 16.49A.460, 16.49A.470, 16.49A.480, 16.49A.520, 16.49A.530, 16.49A.540, 16.49A.550, 16.49A.560, 16.49A.570, 16.49A.580, 16.49A.590, 16.49A.600, 16.49A.610, 16.49A.620, 16.49A.630, 16.49A.640, 16.49A.650, 16.49A.900, 16.49A.910, 16.49A.920, 16.74.010, 16.74.020, 16.74.030, 16.74.040, 16.74.050, 16.74.060, 16.74.070, 16.74.080, 16.74.090, 16.74.100, 16.74.110, 16.74.120, 16.74.130, 16.74.140, 16.74.150, 16.74.160, 16.74.170, 16.74.180, 16.74.190, 16.74.200, 16.74.210, 16.74.220, 16.74.230, 16.74.240, 16.74.250, 16.74.260, 16.74.270, 16.74.280, 16.74.290, 16.74.300, 16.74.310, 16.74.320, 16.74.330, 16.74.340, 16.74.350, 16.74.360, 16.74.370, 16.74.380, 16.74.390, 16.74.400, 16.74.410, 16.74.420, 16.74.430, 16.74.440, 16.74.450, 16.74.460, 16.74.470, 16.74.480, 16.74.490, 16.74.500, 16.74.510, 16.74.520, 16.74.530, 16.74.540, 16.74.550, 16.74.560, 16.74.570, 16.74.580, 16.74.590, 16.74.600, 16.74.610, 16.74.615, 16.74.620, 16.74.630,

16.74.640, 16.74.650, 16.74.900, 16.74.910, 16.74.920, 19.92.100, 19.92.110, 19.92.120, and 19.92.240; prescribing penalties; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 15.36.012 and 1995 c 374 s 1 are each amended to read as follows:

For the purpose of this chapter:

"Adulterated milk" means milk that is deemed adulterated under appendix L of the PMO.

~~("Aseptic processing" means the process by which milk or milk products have been subjected to sufficient heat processing and packaged in a hermetically sealed container so as to meet the standards of the PMO.)~~

"Colostrum milk" means milk produced within ten days before or until practically colostrum free after parturition.

"DMO" means supplement 1, the recommended sanitation ordinance for grade A condensed and dry milk products and condensed and dry whey, to the PMO published by the United States public health service, food and drug administration.

"Dairy farm" means a place or premises where one or more cows, goats, or other mammals are kept, a part or all of the milk or milk products from which is sold or offered for sale to a milk processing plant, transfer station, or receiving station.

"Dairy technician" means any person who takes samples of milk or cream or fluid derivatives thereof, on which sample tests are to be made as a basis of payment, or who grades, weighs, or measures milk or cream or the fluid derivatives thereof, the grade, weight, or measure to be used as a basis of payment, or who operates equipment wherein milk or products thereof are pasteurized.

"Degrade" means the lowering in grade from grade A to grade C.

"Department" means the state department of agriculture.

"Director" means the director of agriculture of the state of Washington or the director's duly authorized representative.

~~("Distributor" means a person other than a producer who offers for sale or sells to another, milk or milk products.)~~

"Grade A milk processing plant" means any milk processing plant that meets all of the standards of the PMO to process grade A pasteurized milk or milk products.

"Grade A pasteurized milk" means grade A raw milk that has been pasteurized.

"Grade A raw milk" means raw milk produced upon dairy farms conforming with all of the items of sanitation contained in the PMO, in which the bacterial plate count does not exceed twenty thousand per milliliter and the coliform count does not exceed ten per milliliter as determined in accordance with RCW 15.36.201.

"Grade A raw milk for pasteurization" means raw milk produced upon dairy farms conforming with all of the same items of sanitation contained in the PMO

of grade A raw milk, and the bacterial plate count, as delivered from the farm, does not exceed eighty thousand per milliliter as determined in accordance with RCW 15.36.201.

"Grade C milk" is milk that violates any of the requirements for grade A milk but that is not deemed to be adulterated.

~~("Homogenized" means milk or milk products which have been treated to ensure breakup of the fat globules to an extent consistent with the requirements outlined in the PMO.)~~

"Milk" means the lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy cows, goats, or other mammals.

"Milk hauler" means a person who transports milk or milk products in bulk to or from a milk processing plant, receiving station, or transfer station.

"Milk processing" means the handling, preparing, packaging, or processing of milk in any manner in preparation for sale as food, as defined in chapter 69.04 RCW. Milk processing does not include milking or producing milk on a dairy farm that is shipped to a milk processing plant for further processing.

"Milk processing plant" means a place, premises, or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, aseptically processed, bottled, or prepared for distribution, except an establishment that merely receives the processed milk products and serves them or sells them at retail.

"Milk products" means the product of a milk manufacturing process.

"Misbranded milk" means milk or milk products that carries a grade label unless such grade label has been awarded by the director and not revoked, or that fails to conform in any other respect with the statements on the label.

~~("Official brucellosis adult vaccinated cattle" means those cattle, officially vaccinated ever the age of official calfhood vaccinated cattle, that the director has determined have been commingled with, or kept in close proximity to, cattle identified as brucellosis reactors, and have been vaccinated against brucellosis in a manner and under the conditions prescribed by the director after a hearing and under rules adopted under chapter 34.05 RCW, the administrative procedure act.)~~

"Official laboratory" means a biological, chemical, or physical laboratory that is under the direct supervision of the state or a local regulatory agency.

"Officially designated laboratory" means a commercial laboratory authorized to do official work by the department, or a milk industry laboratory officially designated by the department for the examination of grade A raw milk for pasteurization and commingled milk tank truck samples of raw milk for antibiotic residues and bacterial limits.

"PMO" means the grade "A" pasteurized milk ordinance published by the United States public health service, food and drug administration.

"Pasteurized" means the process of heating every particle of milk or milk product in properly designed and operated equipment to the temperature and time standards specified in the PMO.

"Person" means an individual, partnership, firm, corporation, company, trustee, or association.

"Producer" means a person or organization who operates a dairy farm and provides, sells, or offers milk for sale to a milk processing plant, receiving station, or transfer station.

"Receiving station" means a place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting.

"Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

"Transfer station" means any place, premises, or establishment where milk or milk products are transferred directly from one milk tank truck to another.

~~("Ultrapasteurized" means the process by which milk or milk products have been thermally processed in accordance with the time and temperature standards of the PMO, so as to produce a product which has an extended shelf life under refrigerated conditions:~~

~~"Ungraded processing plant" means a milk processing plant that meets all of the standards of the PMO to produce milk products other than grade A milk or milk products:))~~

"Wash station" means a place, facility, or establishment where milk tanker trucks are cleaned in accordance with the standards of the PMO.

~~((All dairy products mentioned in this chapter mean those fit or used for human consumption:))~~

Sec. 2. RCW 15.36.021 and 1996 c 188 s 3 are each amended to read as follows:

The director of agriculture is authorized to:

(1) Adopt rules necessary to carry out the purposes of chapter ~~(s)~~ 15.36 ~~((and 15.38))~~ RCW, which includes rules governing the farm storage tank and bulk milk tanker requirements, however the rules may not restrict the display or promotion of products covered under this section.

(2) By rule, establish, amend, or both, definitions and standards for milk and milk products. Such definitions and standards established by the director shall conform, insofar as practicable, with the definitions and standards for milk and milk products adopted by the federal food and drug administration. ~~((The director of agriculture, by rule, may likewise establish, amend, or both, definitions and standards for products whether fluid, powdered or frozen, compounded or manufactured to resemble or in semblance or imitation of genuine dairy products as defined under the provisions of this chapter. Such products made to resemble or in semblance or imitation of genuine dairy products shall conform with all the provisions of chapter 15.38 RCW and be made wholly of nondairy products.~~

~~—All such products compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product shall set forth on the container or labels the specific generic name of each ingredient used.~~

~~—In the event any product compounded or manufactured to resemble or in semblance or imitation of a genuine dairy product contains vegetable fat or oil, the generic name of such fat or oil shall be set forth on the label. If a blend or variety of oils is used, the ingredient statement shall contain the term "vegetable oil" in the appropriate place in the ingredient statement, with the qualifying phrase following the ingredient statement, such as "vegetable oils are soybean, cottonseed and coconut oils" or "vegetable oil, may be cottonseed, coconut or soybean oil."~~

~~—The labels or containers of such products compounded or manufactured to resemble or in semblance or imitation of genuine dairy products shall not use dairy terms or words or designs commonly associated with dairying or genuine dairy products, except as to the extent that such words or terms are necessary to meet legal requirements for labeling. The term "nondairy" may be used as an informative statement.))~~

(3) By rule, adopt the PMO, DMO, and supplemental documents by reference to establish requirements for grade A pasteurized and grade A raw milk.

(4) Adopt rules establishing standards for grade A pasteurized and grade A raw milk that are more stringent than the PMO based upon current industry or public health information for the enforcement of this chapter whenever he or she determines that any such rules are necessary to carry out the purposes of this section and RCW 15.36.481. ~~((The adoption of rules under this chapter, or the holding of a hearing in regard to a license issued or that may be issued under this chapter are subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act.))~~

(5) By rule, certify an officially designated laboratory to analyze milk for standard of quality, adulteration, contamination, and unwholesomeness.

(6) Adopt rules setting standards and requirements for the production of grade C milk and milk products.

NEW SECTION. Sec. 3. A new section is added to chapter 15.36 RCW to read as follows:

Chapter 34.05 RCW governs the rights, remedies, and procedures respecting the administration of this chapter, including rule making, assessment of civil penalties, emergency actions, and license suspension, revocation, or denial.

Sec. 4. RCW 15.36.051 and 1994 c 143 s 203 are each amended to read as follows:

A milk processing plant must obtain an annual milk processing plant license from the department, which shall expire on ~~((a date set by rule by the director))~~ June 30 of each year. A milk processing plant may choose to process (1) grade A milk and milk products, or (2) other milk products that are not classified grade A.

Only one license may be required to process milk; however, milk processing plants must obtain the necessary endorsements from the department in order to

process products as defined for each type of milk or milk product processing. ~~((License fees shall be prorated if necessary to accommodate staggering of expiration dates.))~~ Application for a license shall be on a form prescribed by the director and accompanied by a twenty-five dollar annual license fee. The applicant shall include on the application the full name of the applicant for the license and the location of the milk processing plant he or she intends to operate and any other necessary information. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable rules adopted under this chapter by the department, the applicant shall be issued a license or a renewal of a license.

Licenses shall be issued to cover only those products, processes, and operations specified in the license application and approved for licensing. If a license holder wishes to engage in processing a type of milk product that is different than the type specified on the application supporting the licensee's existing license and processing that type of food product would require a major addition to or modification of the licensee's processing facilities, the licensee shall submit an amendment to the current license application. In such a case, the licensee may engage in processing the new type of milk product only after the amendment has been approved by the department.

A licensee under this section shall not be required to obtain ~~((a milk distributor's license under this chapter or))~~ a food processing plant license under chapter 69.07 RCW.

Sec. 5. RCW 15.36.081 and 1994 c 143 s 206 are each amended to read as follows:

A dairy technician must obtain a dairy technician's license to conduct operations under this chapter. Such license shall be limited to those functions which the licensee has been found qualified ~~((by examination))~~ to perform. Before issuing the license the director shall ~~((examine))~~ assess the ~~((applicant as to his or her))~~ applicant's qualifications and may test the applicant for the functions for which application has been made.

Application for a license as a dairy technician shall be made upon forms provided by the director, and shall be filed with the department. The director may issue a temporary license to the applicant for such period as may be prescribed and stated in the license, not to exceed sixty days, but the license may not be renewed to extend the period beyond sixty days.

The initial application for a dairy technician's license must be accompanied by a license fee of ten dollars. ~~((If it is not necessary that an examination be given.))~~ The fee for renewal of the license is five dollars. ~~((For circumstance[s] that require an examination the renewal fee is ten dollars.))~~ All dairy technicians' licenses shall expire ~~((biennially on a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates of a license or licenses))~~ on December 31 of odd-numbered years.

Sec. 6. RCW 15.36.111 and 1996 c 189 s 1 are each amended to read as follows:

(1) The director shall inspect all dairy farms and all milk processing plants prior to issuance of a license under this chapter and at a frequency determined by the director by rule: PROVIDED, That the director may accept the results of periodic industry inspections of producer dairies if such inspections have been officially checked periodically and found satisfactory. In case the director discovers the violation of any item of grade requirement, he or she shall make a second inspection after a lapse of such time as he or she deems necessary for the defect to be remedied, but not before the lapse of three days, and the second inspection shall be used in determining compliance with the grade requirements of this chapter. Whenever there is any violation of the same requirement of this chapter on ((such reinspection shall call for degrading or summary suspension of the license in accordance with the requirements of chapter 34.05 RCW)) the second inspection, the director may initiate proceedings to degrade, suspend the license, or assess a civil penalty.

(2) One copy of the inspection report detailing the grade requirement violations shall be posted by the director in a conspicuous place upon an inside wall of ~~((one of))~~ the ~~((dairy farm or))~~ milk tank room or a mutually agreed upon location on a dairy farm or given to an operator of the milk processing plant ((buildings)), and said inspection report shall not be defaced or removed by any person except the director. Another copy of the inspection report shall be filed with the records of the director.

(3) Every milk producer and ~~((distributor))~~ milk processing plant shall permit the director access to all parts of the establishment during the working hours of the producer or ~~((distributor))~~ milk processing plant, which shall at a minimum include the hours from 8 a.m. to 5 p.m., and every ~~((distributor))~~ milk processing plant shall furnish the director, upon his or her request, for official use only, samples of any milk product for laboratory analysis, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all sources, records of inspections and tests, and recording thermometer charts.

Sec. 7. RCW 15.36.151 and 1994 c 143 s 303 are each amended to read as follows:

It is unlawful to sell, offer for sale, or deliver:

(1) Milk or products produced from milk from cows, goats, or other mammals affected with disease or of which the owner thereof has refused official examination and tests for disease; or

(2) Colostrum milk for consumption by humans, except that colostrum milk from cows that have been tested for brucellosis within sixty days of parturition may be made available to persons having multiple sclerosis, or other persons acting on their behalf, who, at the time of the initial sale, present a form, signed by a licensed physician, certifying that the intended user has multiple sclerosis and that the user releases the provider of the milk from liability resulting from the consumption of

the milk. Colostrum milk provided under this section is exempt from meeting the standards for grade A raw milk required by this chapter.

~~((3) The department of agriculture shall adopt rules to carry out this section. The rules shall include but not be limited to establishing standards requiring hyper-immunization.))~~

Sec. 8. RCW 15.36.161 and 1982 c 131 s 2 are each amended to read as follows:

~~((Except as provided hereinafter, tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every twelve months thereafter, by an accredited and licensed veterinarian approved by the state department of agriculture or veterinarian employed by the bureau of animal industry, United States department of agriculture. Said tests shall be made and the reactors disposed of in accordance with the requirements approved by the director for accredited herds. A certificate signed by the veterinarian or attested to by the director and filed with the director shall be evidence of the above test. PROVIDED, That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds, the modified accredited area system approved by the director shall be accepted in lieu of annual testing.~~

~~— No fluid milk or cream designated or represented to be "grade A" fluid milk or cream shall be sold, offered or exposed for sale which has been produced from a herd of cows, one or more of which are infected with brucellosis at the time such milk is produced, or from animals in such herd which have not been blood tested for brucellosis at least once during the preceding calendar year, or milk ring tested for brucellosis at least semiannually during the preceding year. The results of a test for brucellosis by the state or federal laboratory of a blood sample drawn by an official veterinarian, shall be prima facie evidence of the infection or noninfection of the animal or herds. PROVIDED, That in lieu thereof, two official negative milk ring tests for brucellosis not less than six months apart may be accepted as such evidence. All herds of cows, the fluid milk or cream from which is designated or represented to be "grade A" fluid milk or cream shall be blood tested for brucellosis annually or milk ring tested for brucellosis semiannually. Such herds showing any reaction to the milk ring test shall be blood tested and all reactors to the blood test removed from the herd and disposed of within fifteen days from the date they are tagged and branded. The remaining animals in the infected herd shall be retested at not less than thirty day nor more than sixty day intervals from the date of the first test. PROVIDED, That herds that have been officially brucellosis adult vaccinated shall be retested not less than sixty days nor more than one hundred fifty days after being so vaccinated and such herds shall be retested and released from quarantine at intervals and under conditions prescribed by the director. A series of retests, with removal and disposition of reacting animals, shall be continued until the herd shall have passed two successive tests in which no reactors are found. If upon a final test, not less than six months nor more than seven months from the date of the last negative test, no reactors are found in~~

the herd, it shall be deemed a disease-free herd. Results of official blood or milk ring tests shall be conspicuously displayed in the milk house.

~~—All milk and milk products consumed raw shall be from herds or additions thereto which have been found free from brucellosis, as shown by blood serum tests or other approved tests for agglutinins against brucella organisms made in a laboratory approved by the director. All such herds shall be retested at least every twelve months and all reactors removed from the herd. If a herd is found to have one or more animals positive to the brucellosis test, all milk from that herd is to be pasteurized until the three consecutive brucellosis tests obtained at thirty-day intervals between each test are found to be negative. A certificate identifying each animal by number and signed by the laboratory making the test shall be evidence of the above test:)~~

(1) All milking cows, goats, and other mammals must meet the animal health requirements established by the state veterinarian under the authority of chapter 16.36 RCW.

(2) Milk or milk products from cows, goats, and other mammals intended for consumption in the raw state must be from a herd which is tested negative within the previous twelve months for brucellosis, tuberculosis, and any other disease the director may designate by rule. Additions to the herd must be tested negative for the diseases within the previous thirty days before introduction into the herd. The state veterinarian shall direct all testing procedures in accordance with state and national standards for animal disease eradication.

(3) Cows ((which show an extensive or entire induration of one or more quarters of the udder upon physical examination)), goats, and other mammals showing chronic mastitis, whether ((secreting)) producing abnormal milk or not, shall be permanently excluded from the milking herd. Cows ((giving)), goats, and other mammals producing bloody, ((or)) stringy, or otherwise abnormal milk, but with only slight ((induration)) inflammation of the udder shall be excluded from the herd until reexamination shows that the milk has become normal.

~~((For other diseases such tests and examinations as the director may require after consultation with state livestock sanitary officials shall be made at intervals and by methods prescribed by him:))~~

Sec. 9. RCW 15.36.171 and 1995 c 374 s 3 are each amended to read as follows:

~~((No milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except grade A pasteurized milk, or grade A raw milk:))~~ The director may revoke the license of any ~~((milk distributor,))~~ milk processing plant~~((;))~~ or producer whose product fails to qualify as grade A pasteurized or grade A raw, or in lieu thereof may degrade ~~((his or her))~~ the product to grade C and permit its sale as other than fluid milk or grade A milk products during a period not exceeding thirty days. In the event of an emergency, the director may permit the sale of grade C milk for more than thirty days.

Sec. 10. RCW 15.36.181 and 1994 c 143 s 302 are each amended to read as follows:

No person shall produce, sell, offer, or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated~~(;)~~ or misbranded~~(; or ungraded)~~. It ~~((shall be))~~ is unlawful for any person, elsewhere than in a private home, to have in possession any adulterated~~(;)~~ or misbranded~~(; or ungraded)~~ milk or milk products~~((: PROVIDED, That in an emergency the sale of ungraded milk or milk products may be authorized by the director, in which case they shall be labeled "ungraded."))~~.

Adulterated~~(;)~~ or misbranded~~(; and/or ungraded)~~ milk or milk products may be impounded and disposed of by the director.

Sec. 11. RCW 15.36.191 and 1994 c 143 s 304 are each amended to read as follows:

~~((The department;))~~ After obtaining a sample of milk or milk product for analysis, the department shall, within ten days ~~((after))~~ of obtaining the result of the analysis, send ~~((the))~~ any violative results to the person from whom the sample was taken or to the person responsible for the condition of the milk.

Sec. 12. RCW 15.36.201 and 1994 c 143 s 401 and 1994 c 46 s 11 are each reenacted and amended to read as follows:

(1) During any consecutive six months at least four samples of raw milk, raw milk for pasteurization, or both, from each dairy farm and raw milk for pasteurization, after receipt by the milk processing plant and prior to pasteurization, heat-treated milk products, and pasteurized milk and milk products from each grade A milk processing plant, for purposes of compliance with the PMO, shall be collected in at least four separate months and examined in ~~((a))~~ an official laboratory ~~((approved by the director))~~; PROVIDED, That in the case of raw milk for pasteurization the director may accept the results of an officially designated laboratory. ~~((Samples of other milk products may be taken and examined in a laboratory approved by the director as often as he or she deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the director may require. Bacterial plate counts, direct microscopic counts, coliform determinations, phosphatase tests and other laboratory tests shall conform to the requirements of the PMO. Examinations may include such other chemical and physical determinations as the director may deem necessary for the detection of adulteration or for purposes of compliance. Samples may be taken by the director at any time prior to the final delivery of the milk or milk products. All proprietors of cafes, stores, restaurants, soda fountains, and other similar places shall furnish the director, upon his or her request, with the name of all distributors from whom their milk and milk products are obtained.))~~

(2) If two of the last four consecutive bacterial counts, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days, exceed the standard for milk or milk products established in this chapter and rules adopted

under this chapter, the director shall send written notice thereof to the person concerned. This notice shall remain in effect so long as two of the last four consecutive samples exceed the limit of the same standard. An additional sample shall be taken ~~((within twenty-one days of the))~~ after sending of the notice, but not before the lapse of three days. The director ~~((shall))~~ may initiate proceedings to degrade or ((summarily)) suspend the milk producer's license or milk processing plant license or assess a civil penalty whenever the standard is again violated so that three of the last five consecutive samples exceed the limit of the same standard. ~~((A milk producer's license or milk processing plant license shall subsequently be reinstated in notice status upon receipt of sample results that are within the standard for which the suspension occurred.~~

~~— In case of violation of the phosphatase test requirements, the cause of underpasteurization shall be determined and removed before milk or milk products from this milk processing plant can again be sold as pasteurized milk or milk products.))~~

NEW SECTION. Sec. 13. A new section is added to chapter 15.36 RCW to read as follows:

Any person selling milk or milk products shall furnish the director, upon request, with the name of all milk processing plants or distributors from whom their milk and milk products are obtained.

Sec. 14. RCW 15.36.231 and 1961 c 11 s 15.36.265 are each amended to read as follows:

(1) Milk and milk products for consumption in the raw state shall be bottled or packaged on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment and these operations shall be integral in one machine. Caps or cap stock shall be purchased in sanitary containers and kept therein in a clean dry place until used.

(2) All containers enclosing raw milk or any raw milk product shall be plainly labeled or marked with the word "raw" and the name of the producer or packager. The label or mark shall be in letters of a size, kind, and color approved by the director and shall contain no marks or words which are misleading.

Sec. 15. RCW 15.36.401 and 1994 c 143 s 501 are each amended to read as follows:

(1) A license issued under this chapter may be denied ((or)), suspended, or revoked by the director ((upon violation by the holder of any of the terms of this chapter, for interference with the director in the performance of his or her duties, or if the holder has exhibited in the discharge of his or her functions negligence, misconduct, or lack of qualification.)) when a person:

(a) Fails to comply with the provisions of this chapter or the rules adopted under this chapter;

(b) Refuses the department access to a portion or area of a facility regulated under this chapter, for the purpose of carrying out the provisions of this chapter;

(c) Fails to comply with an order of the director;

(d) Refuses to make available to the department records required to be kept under the provisions of this chapter:

(e) Fails to comply with the applicable provisions of chapter 69.04 RCW, Washington intrastate commerce in food, drugs, and cosmetics act, or rules adopted under that chapter:

(f) Interferes with the director in the performance of his or her duties; or

(g) Exhibits negligence, misconduct, or lack of qualification in the discharge of his or her functions.

Upon notice by the director to deny, revoke, or suspend a license, a person may request a hearing under chapter 34.05 RCW.

(2) Whenever a milk transport vehicle is found in violation of this chapter or rules adopted under this chapter, the endorsement for that milk transport vehicle contained on a milk hauler's license may be suspended or revoked. The suspension or revocation does not apply to any other milk transport vehicle operated by the milk hauler.

(3) A license may be revoked ((after an opportunity for a hearing)) by the director upon serious or repeated violations or after ((the)) a license ((has been suspended)) suspension or degrade for thirty continuous days without correction of the items causing the suspension or degrade.

Sec. 16. RCW 15.36.421 and 1994 c 143 s 503 are each amended to read as follows:

(1) If the director finds a milk processing plant or producer operating under conditions that constitute an immediate danger to public health, safety, or welfare or if the licensee or an employee of the licensee actively prevents the director or the director's representative, during an on-site inspection, from determining whether such a ((conditions {condition})) condition exists, the director may summarily suspend((- pending a hearing,-)) a license provided for in this chapter.

(2) If a license is summarily suspended, the holder of the license shall be notified in writing that the license is, upon service of the notice, immediately suspended and that prompt opportunity for a hearing will be provided.

(3) If a license is summarily suspended, processing and shipping operations shall immediately cease. However, the director may reinstate the license if the condition that caused the suspension has been abated to the director's satisfaction.

Sec. 17. RCW 15.36.451 and 1996 c 189 s 2 are each amended to read as follows:

Any producer or ((distributor of milk or milk products the grade of which has been lowered)) milk processing plant whose milk has been degraded by the director, or whose ((permit)) license has been suspended may at any time make application for the regrading of his or her products or the reinstatement of his or her ((permit)) license.

Upon receipt of a satisfactory application, in case the lowered grade or the ((permit)) license suspension was the result of violation of the bacteriological or cooling temperature standards, the director shall take further samples of the

applicant's output, at a rate of not more than two samples per week. The director shall regrade the milk or milk products upward or reinstate the ~~((permit))~~ license on compliance with grade requirements as determined in accordance with the provisions of RCW 15.36.201.

In case the lowered grade of the applicant's product or the ~~((permit))~~ license suspension was due to a violation of an item other than bacteriological standard or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications had been conformed with. Within one week of the receipt of such an application and statement the director shall make a reinspection of the applicant's establishment and thereafter as many additional reinspections as he or she may deem necessary to assure himself or herself that the applicant is again complying with the higher grade requirements~~((, and in case the findings justify, shall regrade the milk or milk products upward or reinstate the permit))~~. The higher grade or license shall be reinstated upon confirmation that all violated items are corrected and any period for reduction in grade or license suspensions as ordered by the director has been completed.

NEW SECTION. Sec. 18. A new section is added to chapter 15.36 RCW to read as follows:

(1) Except as provided in RCW 15.36.471 or subsection (2) or (3) of this section, any person who fails to comply with this chapter or the rules adopted under this chapter may be subject to a civil penalty in an amount of not more than one thousand dollars per violation per day.

(2) The director shall adopt rules establishing civil penalties assessed under RCW 15.36.111(1) and 15.36.201(2). The penalties shall be equitably based on the volume of milk or milk product handled by the producer or milk processor subject to the penalty.

(3) Whenever the results of an antibiotic, pesticide, or other drug residue test on a producer's milk are above the actionable level established in the PMO, the producer is subject to a civil penalty in an amount equal to one-half the value of the sum of the volumes of milk produced on the day prior to and the day of the adulteration. The value of the milk shall be computed using the weighted average price for the federal market order under which the milk is delivered.

(4) Each violation is a separate and distinct offense. The director shall impose the civil penalty in accordance with chapter 34.05 RCW. Moneys collected under this section and RCW 15.36.471 shall be remitted to the department and deposited into the revolving fund of the Washington state dairy products commission.

NEW SECTION. Sec. 19. A new section is added to chapter 15.36 RCW to read as follows:

The authority to assess a civil penalty under RCW 15.36.111(1) and 15.36.201(2) shall be used only as consistent with the 1995 grade A pasteurized milk ordinance published by the United States public health service, food and drug

administration and adopted by department in WAC 16-101-700, or any subsequent version as adopted by the department under the authority of RCW 15.36.021(3).

Sec. 20. RCW 15.36.471 and 1994 c 143 s 511 are each amended to read as follows:

(1) The director (~~(of agriculture)~~) shall adopt rules imposing a civil penalty of not more than ten thousand dollars for violations of the standards for component parts of fluid dairy products which are established under this chapter or adopted pursuant to RCW 69.04.398. ~~((The penalty shall not exceed ten thousand dollars and shall be such as is necessary to achieve proper enforcement of the standards. The rules shall be adopted before January 1, 1987, and shall become effective on July 1, 1987.~~

~~—(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.05 and 34.12 RCW. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, reduced, or not imposed and shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.05 RCW. Tests performed for the component parts of milk products by a state laboratory of a milk sample collected by a department official shall be admitted as prima facie evidence of the amounts of milk components in the product.~~

~~—(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department.~~

~~—(4) All penalties received or recovered from violations of this section shall be remitted by the violator to the department and deposited in the revolving fund of the Washington state dairy products commission. One-half of the funds received shall be used for purposes of education with the remainder one-half to be used for dairy processing or marketing research, or both. No appropriation is required for disbursements from this fund.~~

~~—(5))~~ (2) In case of a violation of the standards for the composition of milk products, an investigation shall be made to determine the cause of the violation which shall be corrected. Additional samples shall be taken as soon as possible and tested by the department.

NEW SECTION. Sec. 21. A new section is added to chapter 15.36 RCW to read as follows:

Tests performed by an official laboratory or an officially designated laboratory of a milk sample drawn by a department official or a licensed dairy technician shall

be admitted as prima facie evidence of a violation in any proceeding to enforce this chapter.

Sec. 22. RCW 15.36.481 and 1969 ex.s. c 102 s 4 are each amended to read as follows:

The director may bring an action to enjoin the violation of any provision of this chapter~~((s 15.36 and 15.38 RCW))~~ or any rule adopted ~~((thereunder))~~ under this chapter in the superior court of the county in which the defendant resides or maintains his or her principal place of business~~((, notwithstanding any other remedy at law))~~ or Thurston county.

Sec. 23. RCW 15.36.491 and 1961 c 11 s 15.32.710 are each amended to read as follows:

All moneys received for licenses ~~((or from the sale of articles confiscated))~~ under this chapter shall be ~~((paid on the first of each month to the state treasurer to be placed))~~ deposited in the general fund.

Sec. 24. RCW 15.36.511 and 1961 c 11 s 15.32.730 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person to:

(1) Interfere with or obstruct any person in the performance of ((his)) official duties under this chapter;

(2) Employ a tester, sampler, weigher, grader, or pasteurizer who is not licensed as a dairy technician;

(3) Alter or tamper with a seal placed by the director; or

(4) Alter or tamper with a sample of milk or milk products taken or sealed by the director.

Except as provided under RCW 15.35.131, it is unlawful for a milk processing plant to accept milk from a person not licensed as a producer or milk processor.

NEW SECTION. Sec. 25. A new section is added to chapter 15.36 RCW to read as follows:

The department may issue sanitary certificates to milk processing plants under this chapter subject to such requirements as it may establish by rule. The fee for issuance is fifty dollars per certificate. Fees collected under this section shall be deposited in the agricultural local fund.

Sec. 26. RCW 15.36.551 and 1995 c 15 s 1 are each amended to read as follows:

There is levied on all milk processed in this state an assessment not to exceed fifty-four one-hundredths of one cent per hundredweight. The director shall determine, by rule, an assessment, that with contribution from the general fund, will support an inspection program to maintain compliance with the provisions of the pasteurized milk ordinance of the national conference on interstate milk shipment. All assessments shall be levied on the operator of the first milk processing plant receiving the milk for processing. This shall include milk processing plants that produce their own milk for processing and milk processing

plants that receive milk from other sources. Milk processing plants whose monthly assessment for receipt of milk totals less than twenty dollars in any given month are exempted from paying this assessment for that month. All moneys collected under this section shall be paid to the director by the twentieth day of the succeeding month for the previous month's assessments. The director shall deposit the funds into the dairy inspection account hereby created within the agricultural local fund established in RCW 43.23.230. The funds shall be used only to provide inspection services to the dairy industry. If the operator of a milk processing plant fails to remit any assessments, that sum shall be a lien on any property owned by him or her, and shall be reported by the director and collected in the manner and with the same priority over other creditors as prescribed for the collection of delinquent taxes under chapters 84.60 and 84.64 RCW.

This section (~~shall~~) expires June 30, (~~2000~~) 2005.

Sec. 27. RCW 15.36.561 and 1994 c 143 s 507 are each amended to read as follows:

(1) There is created a dairy inspection program advisory committee. The committee shall consist of (~~nine~~) eleven members (~~The committee shall be~~) appointed by the director. The director shall solicit nominations for members of the committee from (names submitted by) Washington dairy producer organizations (or from handlers of milk products) and milk processors. The committee shall consist of four members who are producers (~~of milk~~) or their representatives, (~~and~~) four members who are (~~handlers~~) milk processors or their representatives, (~~and~~) one member who (~~must be~~) is a (producer-handler) producer processor, one member who is a milk hauler, and one member who is a milk equipment dealer.

(2) The purpose of this advisory committee is to (~~assist the director by providing recommendations regarding the dairy inspection program, that are consistent with the pasteurized milk ordinance. The advisory committee shall (a) review and evaluate the program including the efficiency of the administration of the program, the adequacy of the level of inspection staff, the ratio of inspectors to number of dairy farm inspections per year, and the ratio of inspectors to management employees; and (b) consider alternatives to the state program, which may include privatization of various elements of the inspection program.~~

~~—(3) The committee shall meet as necessary to complete its work. Meetings of the committee are subject to the open public meetings act)~~ advise the director in the administration of the dairy inspection program and regarding policy issues related to this chapter.

(3) The terms of the members of the committee shall be staggered and the members shall serve a term of three years until their successor has been appointed and qualified. In the event a committee member resigns, is disqualified, or vacates a position on the committee for any reason the vacancy may be filled by the director under the provisions of this section governing appointments. The director may remove a member for cause.

(4) The committee shall elect one of its members as chair. The committee shall meet by the call of the director, chair, or a majority of the committee. Members of the committee shall serve without compensation.

Sec. 28. RCW 16.49.435 and 1987 c 77 s 4 are each amended to read as follows:

For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or the director's designee.

(3) "Custom farm slaughterer" means any person licensed under this chapter who may under such license engage in the business of slaughtering meat food animals only for the consumption of the owner thereof through the use of an approved mobile unit under such conditions as may be prescribed by the director.

(4) "Custom slaughtering establishment" means the facility operated by any person licensed under this chapter who may under such license engage in the business of slaughtering meat food animals only for the consumption of the owner thereof at a fixed location under such conditions as may be prescribed by the director.

(5) "Custom meat facility" means the facility operated by any person licensed under this chapter who may under such license engage in the business of preparing uninspected meat for the sole consumption of the owner of the uninspected meat being prepared. Operators of custom meat facilities may also prepare inspected meat for household users only under such conditions as may be prescribed by the director and may sell such prepared inspected meat to household users only. Operators of custom meat facilities may also sell prepackaged inspected meat to any person, provided the prepackaged inspected meat is not prepared in any manner by the operator and the operator does not open or alter the original package that the inspected meat was placed in.

(6) "Inspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered and inspected at establishments subject to inspection under (~~chapter 16.49A RCW or~~) a federal meat inspection act.

(7) "Uninspected meat" means the carcasses or parts thereof of meat food animals which have been slaughtered by the owner thereof, or which have been slaughtered by a custom farm slaughterer.

(8) "Household user" means the ultimate consumer, the members of the consumer's household, and his or her nonpaying guests and employees.

(9) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(10) "Meat food animal" means cattle, swine, sheep, or goats.

(11) "Official establishment" means an establishment operated for the purpose of slaughtering meat food animals for sale or use as human food in compliance with the federal meat inspection act (21 U.S.C. Sec. 71 et seq.).

(12) "Prepared" means canned, salted, rendered, boned, cut up or otherwise manufactured, or processed.

Sec. 29. RCW 16.49.670 and 1987 c 77 s 11 are each amended to read as follows:

The provisions of this chapter relating to custom meat facilities (~~and RCW 16.49A.370~~) shall in no way supersede or restrict the authority of any county or any city to adopt ordinances which are more restrictive for the handling of meat than those provided for herein.

Sec. 30. RCW 16.67.030 and 1969 c 133 s 2 are each amended to read as follows:

For the purpose of this chapter:

- (1) "Commission" means the Washington state beef commission.
- (2) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.
- (3) "Ex officio members" means those advisory members of the commission who do not have a vote.
- (4) "Department" means the department of agriculture of the state of Washington.
- (5) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.
- (6) "Beef producer" means any person who raises, breeds, grows, or purchases cattle or calves for beef production.
- (7) "Dairy (beef) producer" means any person who raises, breeds, grows, or purchases cattle for dairy production and who is actively engaged in the production of fluid milk.
- (8) "Feeder" means any person actively engaged in the business of feeding cattle and usually operating a feed lot.
- (9) "Producer" means any person actively engaged in the cattle industry including beef producers and dairy (beef) producers.
- (10) "Washington cattle" shall mean all cattle owned or controlled by affected producers and located in the state of Washington.
- (11) "Meat packer" means any person (~~licensed to operate~~) operating a slaughtering establishment ((under the provisions of chapter 16.49A RCW as enacted or hereafter amended)) subject to inspection under a federal meat inspection act.

(12) "Livestock salesyard operator" means any person licensed to operate a cattle auction market or salesyard under the provisions of chapter 16.65 RCW as enacted or hereafter amended.

Sec. 31. RCW 35A.69.010 and 1994 c 143 s 512 are each amended to read as follows:

Every code city shall have the powers, perform the functions and duties and enforce the regulations prescribed by general laws relating to food and drugs for any class of city as provided by Title 69 RCW; (~~relating to inspection of foods;~~

meat, dairies, and milk as provided by chapter 16.49A RCW;)) relating to water pollution control as provided by chapter 90.48 RCW; and relating to food fish and shellfish as provided by Title 75 RCW.

Sec. 32. RCW 69.04.930 and 1988 c 254 s 8 are each amended to read as follows:

It shall be unlawful for any person to sell at retail or display for sale at retail any food fish or shellfish as defined in RCW 75.08.011, any meat (~~capable of use as human food as defined in RCW 16.49A.150 as now or hereafter amended~~), or any meat food product (~~as defined in RCW 16.49A.130 as now or hereafter amended~~) which has been frozen at any time, without having the package or container in which the same is sold bear a label clearly discernible to a customer that such product has been frozen and whether or not the same has since been thawed. No such food fish or shellfish, meat or meat food product shall be sold unless in such a package or container bearing said label: PROVIDED, That this section shall not include any of the aforementioned food or food products that have been frozen prior to being smoked, cured, cooked or subjected to the heat of commercial sterilization.

NEW SECTION. Sec. 33. The following acts or parts of acts are each repealed:

- (1) RCW 15.36.031 and 1994 c I43 s 201, 1989 c 354 s 16, & 1961 c 11 s 15.36.080;
- (2) RCW 15.36.061 and 1994 c 143 s 204, 1991 c 109 s 1, 1989 c 354 s 4, 1983 c 3 s 20, 1963 c 58 s 3, & 1961 c 11 s 15.32.100;
- (3) RCW 15.36.121 and 1995 c 225 s 2, 1994 c 143 s 210, & 1961 c 11 s 15.36.490;
- (4) RCW 15.36.211 and 1994 c I43 s 402 & 1961 c 11 s 15.36.090;
- (5) RCW 15.36.251 and 1994 c 143 s 403, 1989 c 354 s 19, & 1961 c 11 s 15.36.300;
- (6) RCW 15.36.291 and 1961 c 11 s 15.32.460;
- (7) RCW 15.36.301 and 1994 c 143 s 404, 1989 c 354 s 23, & 1961 c 11 s 15.36.520;
- (8) RCW 15.36.311 and 1961 c 11 s 15.36.530;
- (9) RCW 15.36.411 and 1995 c 374 s 5 & 1994 c I43 s 502;
- (10) RCW 15.36.431 and 1995 c 374 s 6, 1994 c I43 s 504, 1963 c 58 s 11, & 1961 c 11 s 15.32.610;
- (11) RCW 15.36.441 and 1995 c 374 s 7, 1994 c 143 s 505, & 1993 c 212 s 1;
- (12) RCW 15.36.461 and 1961 c 11 s 15.32.550;
- (13) RCW 15.36.501 and 1987 c 202 s 173, 1969 ex.s. c 199 s 12, & 1961 c 11 s 15.32.720;
- (14) RCW 15.36.521 and 1989 1st ex.s. c 9 s 236;
- (15) RCW 15.38.001 and 1961 c 11 s 15.38.001;
- (16) RCW 15.38.010 and 1979 c 154 s 21 & 1961 c 11 s 15.38.010;

- (17) RCW 15.38.020 and 1961 c 11 s 15.38.020;
- (18) RCW 15.38.030 and 1961 c 11 s 15.38.030;
- (19) RCW 15.38.040 and 1961 c 11 s 15.38.040;
- (20) RCW 15.38.050 and 1961 c 11 s 15.38.050;
- (21) RCW 15.40.010 and 1961 c 11 s 15.40.010;
- (22) RCW 15.40.030 and 1961 c 11 s 15.40.030;
- (23) RCW 15.40.040 and 1961 c 11 s 15.40.040;
- (24) RCW 15.40.050 and 1961 c 11 s 15.40.050;
- (25) RCW 15.40.900 and 1961 c 11 s 15.40.900;
- (26) RCW 15.41.010 and 1961 c 11 s 15.41.010;
- (27) RCW 15.41.020 and 1961 c 11 s 15.41.020;
- (28) RCW 16.48.120 and 1945 c 161 s 6;
- (29) RCW 16.48.280 and 1949 c 98 s 13;
- (30) RCW 16.48.310 and 1937 c 75 s 16;
- (31) RCW 16.48.311 and 1945 c 161 s 14;
- (32) RCW 16.48.312 and 1949 c 98 s 17;
- (33) RCW 16.48.320 and 1939 c 198 s 6 & 1937 c 75 s 15;
- (34) RCW 16.48.325 and 1949 c 98 s 18;
- (35) RCW 16.49A.010 and 1969 ex.s. c 145 s 1;
- (36) RCW 16.49A.020 and 1969 ex.s. c 145 s 2;
- (37) RCW 16.49A.030 and 1969 ex.s. c 145 s 3;
- (38) RCW 16.49A.040 and 1969 ex.s. c 145 s 4;
- (39) RCW 16.49A.050 and 1969 ex.s. c 145 s 5;
- (40) RCW 16.49A.060 and 1969 ex.s. c 145 s 6;
- (41) RCW 16.49A.070 and 1969 ex.s. c 145 s 7;
- (42) RCW 16.49A.080 and 1969 ex.s. c 145 s 8;
- (43) RCW 16.49A.090 and 1969 ex.s. c 145 s 9;
- (44) RCW 16.49A.100 and 1969 ex.s. c 145 s 10;
- (45) RCW 16.49A.110 and 1969 ex.s. c 145 s 11;
- (46) RCW 16.49A.120 and 1969 ex.s. c 145 s 12;
- (47) RCW 16.49A.130 and 1969 ex.s. c 145 s 13;
- (48) RCW 16.49A.140 and 1969 ex.s. c 145 s 14;
- (49) RCW 16.49A.150 and 1969 ex.s. c 145 s 15;
- (50) RCW 16.49A.160 and 1969 ex.s. c 145 s 16;
- (51) RCW 16.49A.170 and 1969 ex.s. c 145 s 17;
- (52) RCW 16.49A.180 and 1969 ex.s. c 145 s 18;
- (53) RCW 16.49A.190 and 1969 ex.s. c 145 s 19;
- (54) RCW 16.49A.200 and 1969 ex.s. c 145 s 20;
- (55) RCW 16.49A.210 and 1969 ex.s. c 145 s 21;
- (56) RCW 16.49A.220 and 1969 ex.s. c 145 s 22;
- (57) RCW 16.49A.230 and 1969 ex.s. c 145 s 23;
- (58) RCW 16.49A.240 and 1969 ex.s. c 145 s 24;
- (59) RCW 16.49A.250 and 1969 ex.s. c 145 s 25;

- (60) RCW 16.49A.255 and 1969 ex.s. c 145 s 67;
- (61) RCW 16.49A.260 and 1969 ex.s. c 145 s 26;
- (62) RCW 16.49A.270 and 1969 ex.s. c 145 s 27;
- (63) RCW 16.49A.280 and 1969 ex.s. c 145 s 28;
- (64) RCW 16.49A.290 and 1969 ex.s. c 145 s 29;
- (65) RCW 16.49A.300 and 1969 ex.s. c 145 s 30;
- (66) RCW 16.49A.310 and 1969 ex.s. c 145 s 31;
- (67) RCW 16.49A.320 and 1969 ex.s. c 145 s 32;
- (68) RCW 16.49A.330 and 1969 ex.s. c 145 s 33;
- (69) RCW 16.49A.340 and 1969 ex.s. c 145 s 34;
- (70) RCW 16.49A.350 and 1969 ex.s. c 145 s 35;
- (71) RCW 16.49A.360 and 1969 ex.s. c 145 s 36;
- (72) RCW 16.49A.370 and 1971 ex.s. c 98 s 1 & 1969 ex.s. c 145 s 37;
- (73) RCW 16.49A.380 and 1969 ex.s. c 145 s 38;
- (74) RCW 16.49A.390 and 1969 ex.s. c 145 s 39;
- (75) RCW 16.49A.400 and 1969 ex.s. c 145 s 40;
- (76) RCW 16.49A.410 and 1969 ex.s. c 145 s 41;
- (77) RCW 16.49A.420 and 1969 ex.s. c 145 s 42;
- (78) RCW 16.49A.430 and 1969 ex.s. c 145 s 43;
- (79) RCW 16.49A.440 and 1969 ex.s. c 145 s 44;
- (80) RCW 16.49A.450 and 1969 ex.s. c 145 s 45;
- (81) RCW 16.49A.460 and 1969 ex.s. c 145 s 46;
- (82) RCW 16.49A.470 and 1969 ex.s. c 145 s 47;
- (83) RCW 16.49A.480 and 1969 ex.s. c 145 s 48;
- (84) RCW 16.49A.520 and 1969 ex.s. c 145 s 55;
- (85) RCW 16.49A.530 and 1969 ex.s. c 145 s 52;
- (86) RCW 16.49A.540 and 1969 ex.s. c 145 s 57;
- (87) RCW 16.49A.550 and 1969 ex.s. c 145 s 59;
- (88) RCW 16.49A.560 and 1971 ex.s. c 108 s 1 & 1969 ex.s. c 145 s 54;
- (89) RCW 16.49A.570 and 1971 ex.s. c 108 s 2 & 1969 ex.s. c 145 s 60;
- (90) RCW 16.49A.580 and 1969 ex.s. c 145 s 58;
- (91) RCW 16.49A.590 and 1969 ex.s. c 145 s 61;
- (92) RCW 16.49A.600 and 1993 c 166 s 1, 1971 ex.s. c 108 s 3, & 1969 ex.s. c 145 s 68;
- (93) RCW 16.49A.610 and 1969 ex.s. c 145 s 69;
- (94) RCW 16.49A.620 and 1969 ex.s. c 145 s 62;
- (95) RCW 16.49A.630 and 1969 ex.s. c 145 s 63;
- (96) RCW 16.49A.640 and 1969 ex.s. c 145 s 53;
- (97) RCW 16.49A.650 and 1969 ex.s. c 145 s 56;
- (98) RCW 16.49A.900 and 1969 ex.s. c 145 s 70;
- (99) RCW 16.49A.910 and 1969 ex.s. c 145 s 66;
- (100) RCW 16.49A.920 and 1969 ex.s. c 145 s 65;
- (101) RCW 16.74.010 and 1969 ex.s. c 146 s 1;

- (102) RCW 16.74.020 and 1969 ex.s. c 146 s 2;
- (103) RCW 16.74.030 and 1969 ex.s. c 146 s 3;
- (104) RCW 16.74.040 and 1969 ex.s. c 146 s 4;
- (105) RCW 16.74.050 and 1969 ex.s. c 146 s 5;
- (106) RCW 16.74.060 and 1969 ex.s. c 146 s 6;
- (107) RCW 16.74.070 and 1969 ex.s. c 146 s 7;
- (108) RCW 16.74.080 and 1969 ex.s. c 146 s 8;
- (109) RCW 16.74.090 and 1969 ex.s. c 146 s 9;
- (110) RCW 16.74.100 and 1969 ex.s. c 146 s 10;
- (111) RCW 16.74.110 and 1969 ex.s. c 146 s 11;
- (112) RCW 16.74.120 and 1969 ex.s. c 146 s 12;
- (113) RCW 16.74.130 and 1969 ex.s. c 146 s 13;
- (114) RCW 16.74.140 and 1969 ex.s. c 146 s 14;
- (115) RCW 16.74.150 and 1969 ex.s. c 146 s 15;
- (116) RCW 16.74.160 and 1969 ex.s. c 146 s 16;
- (117) RCW 16.74.170 and 1969 ex.s. c 146 s 17;
- (118) RCW 16.74.180 and 1969 ex.s. c 146 s 18;
- (119) RCW 16.74.190 and 1969 ex.s. c 146 s 19;
- (120) RCW 16.74.200 and 1969 ex.s. c 146 s 20;
- (121) RCW 16.74.210 and 1969 ex.s. c 146 s 21;
- (122) RCW 16.74.220 and 1969 ex.s. c 146 s 22;
- (123) RCW 16.74.230 and 1969 ex.s. c 146 s 23;
- (124) RCW 16.74.240 and 1969 ex.s. c 146 s 24;
- (125) RCW 16.74.250 and 1969 ex.s. c 146 s 25;
- (126) RCW 16.74.260 and 1969 ex.s. c 146 s 26;
- (127) RCW 16.74.270 and 1969 ex.s. c 146 s 27;
- (128) RCW 16.74.280 and 1969 ex.s. c 146 s 28;
- (129) RCW 16.74.290 and 1969 ex.s. c 146 s 64;
- (130) RCW 16.74.300 and 1969 ex.s. c 146 s 29;
- (131) RCW 16.74.310 and 1969 ex.s. c 146 s 30;
- (132) RCW 16.74.320 and 1969 ex.s. c 146 s 31;
- (133) RCW 16.74.330 and 1969 ex.s. c 146 s 32;
- (134) RCW 16.74.340 and 1969 ex.s. c 146 s 33;
- (135) RCW 16.74.350 and 1969 ex.s. c 146 s 34;
- (136) RCW 16.74.360 and 1969 ex.s. c 146 s 35;
- (137) RCW 16.74.370 and 1989 c 175 s 56 & 1969 ex.s. c 146 s 36;
- (138) RCW 16.74.380 and 1969 ex.s. c 146 s 37;
- (139) RCW 16.74.390 and 1969 ex.s. c 146 s 38;
- (140) RCW 16.74.400 and 1969 ex.s. c 146 s 39;
- (141) RCW 16.74.410 and 1969 ex.s. c 146 s 41;
- (142) RCW 16.74.420 and 1969 ex.s. c 146 s 42;
- (143) RCW 16.74.430 and 1969 ex.s. c 146 s 40;
- (144) RCW 16.74.440 and 1969 ex.s. c 146 s 43;

- (145) RCW 16.74.450 and 1969 ex.s. c 146 s 44;
- (146) RCW 16.74.460 and 1969 ex.s. c 146 s 45;
- (147) RCW 16.74.470 and 1969 ex.s. c 146 s 46;
- (148) RCW 16.74.480 and 1969 ex.s. c 146 s 47;
- (149) RCW 16.74.490 and 1969 ex.s. c 146 s 48;
- (150) RCW 16.74.500 and 1969 ex.s. c 146 s 49;
- (151) RCW 16.74.510 and 1969 ex.s. c 146 s 50;
- (152) RCW 16.74.520 and 1969 ex.s. c 146 s 51;
- (153) RCW 16.74.530 and 1969 ex.s. c 146 s 52;
- (154) RCW 16.74.540 and 1969 ex.s. c 146 s 53;
- (155) RCW 16.74.550 and 1969 ex.s. c 146 s 54;
- (156) RCW 16.74.560 and 1969 ex.s. c 146 s 55;
- (157) RCW 16.74.570 and 1993 c 166 s 2 & 1969 ex.s. c 146 s 65;
- (158) RCW 16.74.580 and 1969 ex.s. c 146 s 66;
- (159) RCW 16.74.590 and 1969 ex.s. c 146 s 56;
- (160) RCW 16.74.600 and 1969 ex.s. c 146 s 57;
- (161) RCW 16.74.610 and 1971 ex.s. c 108 s 4 & 1969 ex.s. c 146 s 58;
- (162) RCW 16.74.615 and 1971 ex.s. c 108 s 5;
- (163) RCW 16.74.620 and 1969 ex.s. c 146 s 59;
- (164) RCW 16.74.630 and 1969 ex.s. c 146 s 60;
- (165) RCW 16.74.640 and 1969 ex.s. c 146 s 67;
- (166) RCW 16.74.650 and 1994 c 128 s 3 & 1969 ex.s. c 146 s 61;
- (167) RCW 16.74.900 and 1969 ex.s. c 146 s 68;
- (168) RCW 16.74.910 and 1969 ex.s. c 146 s 63;
- (169) RCW 16.74.920 and 1969 ex.s. c 146 s 62;
- (170) RCW 19.92.100 and 1983 c 89 s 1, 1955 c 61 s 1, 1937 c 214 s 1, & 1927 c 194 s 10;
- (171) RCW 19.92.110 and 1983 c 89 s 2 & 1955 c 61 s 3;
- (172) RCW 19.92.120 and 1955 c 61 s 4; and
- (173) RCW 19.92.240 and 1890 p 522 s 1.

Passed the House April 19, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 292

[Substitute House Bill 1163]

ILLEGAL DRUG MANUFACTURING—CONTAMINATED PROPERTIES

AN ACT Relating to the authority of local health jurisdictions regarding properties contaminated by toxic chemicals used in the manufacture of illegal drugs; amending RCW 64.44.010, 64.44.020, 64.44.030, 64.44.040, 64.44.050, 64.44.060, and 64.44.070; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that the contamination of properties used for illegal drug manufacturing poses a threat to public health. The toxic chemicals left behind by the illegal drug manufacturing must be cleaned up to prevent harm to subsequent occupants of the properties. It is the intent of the legislature that properties are decontaminated in a manner that is efficient, prompt, and that makes them safe to reoccupy.

Sec. 2. RCW 64.44.010 and 1990 c 213 s 2 are each amended to read as follows:

The words and phrases defined in this section shall have the following meanings when used in this chapter unless the context clearly indicates otherwise.

(1) "Authorized contractor" means a person who decontaminates, demolishes, or disposes of contaminated property as required by this chapter who is ~~((a))~~ certified by the department as provided for in RCW 64.44.060 ~~((, or (b) until January 1, 1991, listed with the department as provided for in section 8, chapter 213, Laws of 1990))~~.

(2) "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards. Property that at one time was contaminated but has been satisfactorily decontaminated according to procedures established by the state board of health is not "contaminated."

(3) "Hazardous chemicals" means the following substances used in the manufacture of illegal drugs: (a) Hazardous substances as defined in RCW 70.105D.020, and (b) precursor substances as defined in RCW 69.43.010 which the state board of health, in consultation with the state board of pharmacy, has determined present an immediate or long-term health hazard to humans.

(4) "Officer" means a local health officer authorized under chapters 70.05, 70.08, and 70.46 RCW.

(5) "Property" means any property, site, structure, or part of a structure which is involved in the unauthorized manufacture or storage of hazardous chemicals. This includes but is not limited to single-family residences, units of multiplexes, condominiums, apartment buildings, boats, motor vehicles, trailers, manufactured housing, or any shop, booth, or garden.

Sec. 3. RCW 64.44.020 and 1990 c 213 s 3 are each amended to read as follows:

Whenever a law enforcement agency becomes aware that property has been contaminated by hazardous chemicals, that agency shall report the contamination to the local health officer. The local health officer shall ~~((cause a posting of a notice))~~ post a written warning on the premises ~~((immediately upon being notified))~~ within one working day of notification of the contamination and shall ~~((cause an inspection to be done on))~~ inspect the property within fourteen days after receiving the notice of contamination. The warning shall inform the potential occupants that hazardous chemicals may exist on, or have been removed from, the premises and that entry is unsafe. If a property owner believes that a tenant has

contaminated property that was being leased or rented, and the property is vacated or abandoned, then the property owner shall contact the local health officer about the possible contamination. Local health officers or boards may charge property owners reasonable fees for inspections of suspected contaminated property requested by property owners.

~~((If property is determined to be contaminated, then the local health officer shall cause a posting of a notice on the premises.))~~ A local health officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated. If the property is contaminated, the local health officer shall post a written notice declaring that the officer intends to issue an order prohibiting use of the property as long as the property is contaminated.

Local health officers must report all cases of contaminated property to the state department of health. The department may make the list of contaminated properties available to health associations, landlord and realtor organizations, prosecutors, and other interested groups. The department shall promptly update the list of contaminated properties to remove those which have been decontaminated according to provisions of this chapter.

The local health officer may determine when the services of an authorized contractor are necessary.

Sec. 4. RCW 64.44.030 and 1990 c 213 s 4 are each amended to read as follows:

If after the inspection of the property, the local health officer finds that it is contaminated, then the property shall be found unfit for use. The local health officer shall cause to be served an order prohibiting use either personally or by certified mail, with return receipt requested, upon all occupants and persons having any interest therein as shown upon the records of the auditor's office of the county in which such property is located~~((and))~~. The local health officer shall also post the order prohibiting use in a conspicuous place on the property~~((an order prohibiting use))~~. If the whereabouts of such persons is unknown and the same cannot be ascertained by the local health officer in the exercise of reasonable diligence, and the health officer makes an affidavit to that effect, then the serving of the order upon such persons may be made either by personal service or by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to each person at the address appearing on the last equalized tax assessment roll of the county where the property is located or at the address known to the county assessor, and the order shall be posted conspicuously at the residence. A copy of the order shall also be mailed, addressed to each person or party having a recorded right, title, estate, lien, or interest in the property. ~~((Such))~~ The order shall contain a notice that a hearing before the local health board or officer shall be held upon the request of a person required to be notified of the order under this section. The request for a hearing must be made within ten days of serving the order. The hearing shall then be held within not less than twenty days nor more

than thirty days after the serving of the order. The officer shall prohibit use as long as the property is found to be contaminated. A copy of the order shall also be filed with the auditor of the county in which the property is located, and such filing of the complaint or order shall have the same force and effect as other *lis pendens* notices provided by law. In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use. The owner or any person having an interest in the property may file an appeal on any order issued by the local health board or officer within thirty days from the date of service of the order with the appeals commission established pursuant to RCW 35.80.030. All proceedings before the appeals commission, including any subsequent appeals to superior court, shall be governed by the procedures established in chapter 35.80 RCW.

Sec. 5. RCW 64.44.040 and 1990 c 213 s 5 are each amended to read as follows:

The city or county in which the contaminated property is located may take action to condemn or demolish property or to require the property be vacated or the contents removed from the property. The city or county ~~((must))~~ may use an authorized contractor if property is demolished, decontaminated, or removed under this section. No city or county may condemn or demolish property pursuant to this section until all procedures granting the right of notice and the opportunity to appeal in RCW 64.44.030 have been exhausted.

Sec. 6. RCW 64.44.050 and 1990 c 213 s 6 are each amended to read as follows:

An owner of contaminated property who desires to have the property decontaminated ~~((must))~~ shall use the services of an authorized contractor ~~((to decontaminate the property))~~ unless otherwise authorized by the local health officer. The contractor shall prepare and submit a written work plan for decontamination to the local health officer. The local health officer may charge a reasonable fee for review of the work plan. If the work plan is approved and the decontamination is completed and the property is retested according to the plan and properly documented, then the health officer shall allow reuse of the property. A ~~((notice))~~ release for reuse document shall be recorded in the real property records ~~((if applicable;))~~ indicating the property has been decontaminated in accordance with rules of the state department of health.

Sec. 7. RCW 64.44.060 and 1997 c 58 s 878 are each amended to read as follows:

(1) ~~((After January 1, 1991;))~~ A contractor may not perform decontamination, demolition, or disposal work unless issued a certificate by the state department of health. The department shall establish performance standards for contractors by rule in accordance with chapter 34.05 RCW, the administrative procedure act. The department shall train and test, or may approve courses to train and test, contractors and their employees on the essential elements in assessing property used as an illegal drug manufacturing or storage site to determine hazard reduction measures

needed, techniques for adequately reducing contaminants, use of personal protective equipment, methods for proper decontamination, demolition, removal, and disposal of contaminated property, and relevant federal and state regulations. Upon successful completion of the training, the contractor or employee shall be certified.

(2) The department may require the successful completion of annual refresher courses provided or approved by the department for the continued certification of the contractor or employee.

(3) The department shall provide for reciprocal certification of any individual trained to engage in decontamination, demolition, or disposal work in another state when the prior training is shown to be substantially similar to the training required by the department. The department may require such individuals to take an examination or refresher course before certification.

(4) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted pursuant to this chapter. A certificate may be denied, suspended, or revoked on any of the following grounds:

(a) Failing to perform decontamination, demolition, or disposal work under the supervision of trained personnel;

(b) Failing to file a work plan;

(c) Failing to perform work pursuant to the work plan;

(d) Failing to perform work that meets the requirements of the department;

(e) The certificate was obtained by error, misrepresentation, or fraud; or

(f) If the person has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(5) A contractor who violates any provision of this chapter may be assessed a fine not to exceed five hundred dollars for each violation.

(6) The department of health shall prescribe fees as provided for in RCW 43.70.250 for the issuance and renewal of certificates, the administration of examinations, and for the review of training courses.

(7) The decontamination account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in this account. Moneys in the account may only be spent after appropriation for costs incurred by the department in the administration and enforcement of this chapter.

Sec. 8. RCW 64.44.070 and 1990 c 213 s 9 are each amended to read as follows:

(1) The state board of health shall promulgate rules and standards for carrying out the provisions in this chapter in accordance with chapter 34.05 RCW, the

administrative procedure act. The local board of health and the local health officer are authorized to exercise such powers as may be necessary to carry out this chapter. The department shall provide technical assistance to local health boards and health officers to carry out their duties under this chapter.

(2) The department shall ~~((develop guidelines))~~ adopt rules for decontamination of a property used as ~~((an))~~ an illegal drug laboratory and methods for the testing of ground water, surface water, soil, and septic tanks for contamination. The rules shall establish decontamination standards for hazardous chemicals, including but not limited to methamphetamine, lead, mercury, and total volatile organic compounds.

Passed the House April 21, 1999.

Passed the Senate April 6, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 293

[Substitute House Bill 1183]

STATE-WIDE CUSTODY CONTRACTS

AN ACT Relating to the state treasurer negotiating state-wide custody contracts; adding a new section to chapter 43.08 RCW; adding a new section to chapter 39.58 RCW; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. Local governments enter into separate, individual contracts with banks for custody services. The rate and terms which each local government obtains from a given bank sometimes varies widely depending upon the size of the local government's portfolio, and thus fails to provide all of the state's taxpayers with the most advantageous rates and terms for such custody services. The purpose of this act is to enable local governments and institutions of higher education, through a state-wide custody contract, to collectively obtain the most advantageous rate and terms from a single financial institution for custodial banking services. Under such a state-wide custody contract, smaller local governments may receive a higher level of service, while paying lower fees than they might have individually obtained.

NEW SECTION. Sec. 2. A new section is added to chapter 43.08 RCW to read as follows:

(1) The state treasurer is authorized to negotiate a state-wide custody contract for custody services for local governments and institutions of higher education. The term of the contract shall be for a minimum of four years.

(2) The state treasurer shall, as soon as is practical after negotiations have been successfully completed, notify local governments and institutions of higher education that a state-wide custody contract has been negotiated.

(3) Following such notification, each local government or institution of higher education may, at its option, become a signatory to the state-wide contract. Each local government or institution of higher education may only become a signatory to the contract by having its authorized local government official or financial officer and the state-wide custodian execute the state-wide contract. The contract is between the state-wide custodian and the respective local government or institution of higher education. It is the responsibility of the local government official or financial officer to fully understand the terms and conditions of the state-wide custody contract prior to its execution, and to ensure those terms and conditions are observed by the state-wide custodian during the term of the contract.

(4) The state treasurer may adopt rules to implement this section, including, but not limited to, those rules deemed necessary to provide for an orderly transition in the event of a different state-wide custodian in a new state-wide custody contract.

(5) Any state-wide custodian who becomes a signatory to the state-wide custody contract may be exempted from the requirements of chapter 39.58 RCW for the purposes of this section, based on rules adopted by the public deposit protection commission.

(6) For the purposes of this section:

(a) "Financial institution" means a bank or trust company chartered and supervised under state or federal law;

(b) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including any public corporation created by such an entity, which legally possesses and exercises investment authority;

(c) "State-wide custody contract" means a contract negotiated between the state treasurer and a financial institution that establishes terms and fees for custody services which are optional to any local government for the term of the contract;

(d) "State-wide custodian" means the financial institution with whom the state treasurer has negotiated a state-wide custody contract;

(e) "Custody services" means services performed by a financial institution such as the settlement, safekeeping, valuation, and market-value reporting of negotiable instruments owned by the local government;

(f) "Local government official" means any officer or employee of a local government who has been designated by statute or local charter, ordinance, or resolution as the officer having the authority to invest the funds of the local government. However, the county treasurer is the only local government official for all political subdivisions for which the county treasurer has statutory or contractual authority to invest the funds thereof;

(g) "Financial officer" means the board-appointed treasurer of a college, university, community or technical college district, or the state board for community and technical colleges.

NEW SECTION. Sec. 3. A new section is added to chapter 39.58 RCW to read as follows:

A state-wide custodian under section 2 of this act may be exempted from the requirements of this chapter, based on rules adopted by the public deposit protection commission.

NEW SECTION. Sec. 4. This act takes effect September 1, 1999.

Passed the House April 19, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 294

[House Bill 1192]

ECONOMIC DEVELOPMENT ACTIVITIES—DEFINITION

AN ACT Relating to the Washington economic development finance authority; reenacting and amending RCW 43.163.010; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.163.010 and 1994 c 238 s 1 and 1994 c 92 s 498 are each reenacted and amended to read as follows:

As used in this chapter, the following words and terms have the following meanings, unless the context requires otherwise:

(1) "Authority" means the Washington economic development finance authority created under RCW 43.163.020 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law;

(2) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the authority. Such bonds may be issued on either a tax-exempt or taxable basis;

(3) "Borrower" means one or more public or private persons or entities acting as lessee, purchaser, mortgagor, or borrower who has obtained or is seeking to obtain financing either from the authority or from an eligible banking organization that has obtained or is seeking to obtain funds from the authority to finance a project. A borrower may include a party who transfers the right of use and occupancy to another party by lease, sublease or otherwise, or a party who is seeking or has obtained a financial guaranty from the authority;

(4) "Eligible banking organization" means any organization subject to regulation by the director of the department of financial institutions, any national bank, federal savings and loan association, and federal credit union located within this state;

(5) "Eligible export transaction" means any preexport or export activity by a person or entity located in the state of Washington involving a sale for export and product sale which, in the judgment of the authority: (a) Will create or maintain employment in the state of Washington, (b) will obtain a material percent of its value from manufactured goods or services made, processed or occurring in Washington, and (c) could not otherwise obtain financing on reasonable terms from an eligible banking organization;

(6) "Eligible farmer" means any person who is a resident of the state of Washington and whose specific acreage qualifying for receipts from the federal department of agriculture under its conservation reserve program is within the state of Washington;

(7) "Eligible person" means an individual, partnership, corporation, or joint venture carrying on business, or proposing to carry on business within the state and is seeking financial assistance under RCW 43.163.210;

(8) "Financial assistance" means the infusion of capital to persons for use in the development and exploitation of specific inventions and products;

(9) "Financing document" means an instrument executed by the authority and one or more persons or entities pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the authority. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the authority and an eligible banking organization which has agreed to make a loan to a borrower;

(10) "Plan" means the general plan of economic development finance objectives developed and adopted by the authority, and updated from time to time, as required under RCW 43.163.090;

(11) "Economic development activities" means activities related to: Manufacturing, processing, research, production, assembly, tooling, warehousing, airports, docks and wharves, mass commuting facilities, high-speed intercity rail facilities, public broadcasting, pollution control, solid waste disposal, federally qualified hazardous waste facilities, energy generating, conservation, or transmission facilities, and sports facilities and industrial parks and activities conducted within a federally designated enterprise or empowerment zone or geographic area of similar nature;

(12) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage

areas, and similar ancillary facilities, and any other real or personal property included in an economic development activity;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an activity included under subsection (11) of this section, including costs of studies assessing the feasibility of an economic development activity;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the eighteen months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this section;

(13) "Product" means a product, device, technique, or process that is or may be exploitable commercially. "Product" does not refer to pure research, but shall be construed to apply to products, devices, techniques, or processes that have advanced beyond the theoretic stage and are readily capable of being, or have been, reduced to practice;

(14) "Financing agreements" means, and includes without limitation, a contractual arrangement with an eligible person whereby the authority obtains rights from or in an invention or product or proceeds from an invention or product in exchange for the granting of financial and other assistance to the person.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House February 24, 1999.

Passed the Senate April 24, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 295

[Substitute House Bill 1222]

NONPROFIT ORGANIZATIONS—GRANT PROGRAM

AN ACT Relating to capital projects for local nonprofit art, cultural, heritage, and social service organizations; amending RCW 27.34.330 and 43.63A.125; adding a new section to chapter 43.63A RCW; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 43.63A RCW to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a state-wide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed twenty percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of

interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 2. RCW 27.34.330 and 1995 c 182 s 2 are each amended to read as follows:

The Washington state historical society shall establish a competitive process to solicit proposals for and prioritize heritage capital projects for potential funding in the state capital budget. The society shall adopt rules governing project eligibility and evaluation criteria. Application for funding of specific projects may be made to the society by local governments, public development authorities, nonprofit corporations, tribal governments, and other entities, as determined by the society. The society, with the advice of leaders in the heritage field, including but not limited to representatives from the office of the secretary of state, the eastern Washington state historical society, and the state office of archaeology and historic preservation, shall establish and submit a prioritized list of heritage capital projects to ~~((be recommended to the governor and the legislature by September 1st of each even-numbered year, beginning in 1996. The prioritized list shall be developed through open and public meetings. The governor and the legislature shall consider the prioritized list of heritage projects as a guide for appropriating funds to heritage capital projects beginning with the 1997-99 biennium and thereafter))~~ the governor and the legislature in the society's biennial capital budget request. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. The prioritized list shall be developed through open and public meetings and the amount of state funding shall not exceed thirty-three percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the society shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 3. RCW 43.63A.125 and 1997 c 374 s 2 are each amended to read as follows:

~~((If the legislature provides an appropriation to))~~ (1) The department shall establish a competitive process to solicit proposals for and prioritize projects that

assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services(~~(, the legislature may direct the department of community, trade, and economic development to)~~).

(2) The department shall establish a competitive process to prioritize applications for the assistance as follows:

~~((1))~~ (a) The department shall conduct a state-wide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include~~(, but is not limited to, land, facilities))~~ cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

~~((2))~~ (b) The department shall submit a prioritized list of recommended projects to the~~(legislature by November 1st following the effective date of the appropriation))~~ governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. Except for the 1999-2001 biennium, the department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

~~((3))~~ (c) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

~~((4) The department shall develop model contract provisions for compliance with subsection (3) of this section and shall distribute its recommendations to the~~

~~appropriate legislative committees, the office of financial management, and to all state agencies which provide capital grants to nonstate entities.))~~

NEW SECTION. Sec. 4. Section 1 of this act, RCW 27.34.330, and 43.63A.125 shall expire June 30, 2007.

Passed the House April 23, 1999.

Passed the Senate April 21, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 296

[Engrossed House Bill 1232]
JUDGMENTS—CONTENTS

AN ACT Relating to judgments; and amending RCW 4.64.030 and 46.29.270.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 4.64.030 and 1997 c 358 s 5 are each amended to read as follows:

(1) The clerk shall enter all judgments in the execution docket, subject to the direction of the court and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action.

(2)(a) On the first page of each judgment which provides for the payment of money, including judgments in rem, mandates of judgments, and judgments on garnishments, the following shall be succinctly summarized: The judgment creditor and the name of his or her attorney, the judgment debtor, the amount of the judgment, the interest owed to the date of the judgment, and the total of the taxable costs and attorney fees, if known at the time of the entry of the judgment.

(b) If the judgment provides for the award of any right, title, or interest in real property, the first page must also include an abbreviated legal description of the property in which the right, title, or interest was awarded by the judgment, including lot, block, plat, or section, township, and range, and reference to the judgment page number where the full legal description is included, if applicable; and the assessor's property tax parcel or account number, consistent with RCW 65.04.045(1) (f) and (g).

(c) If the judgment provides for damages arising from the ownership, maintenance, or use of a motor vehicle as specified in RCW 46.29.270, the first page of the judgment summary must clearly state that the judgment is awarded pursuant to RCW 46.29.270 and that the clerk must give notice to the department of licensing as outlined in RCW 46.29.310.

(3) If the attorney fees and costs are not included in the judgment, they shall be summarized in the cost bill when filed. The clerk may not enter a judgment, and a judgment does not take effect, until the judgment has a summary in compliance with this section. The clerk is not liable for an incorrect summary.

Sec. 2. RCW 46.29.270 and 1963 c 169 s 27 are each amended to read as follows:

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section.

(1) The term "judgment" shall mean: Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages. The first page of a judgment must include a judgment summary that states damages are awarded under this section and the clerk of the court must give notice as outlined in RCW 46.29.310.

(2) The term "state" shall mean: Any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

Passed the House March 4, 1999.

Passed the Senate April 7, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 297

[Substitute House Bill 1282]

STATE EMPLOYEE RELOCATION COMPENSATION

AN ACT Relating to authorizing state employee lump sum relocation assistance; amending RCW 41.06.150; adding a new section to chapter 43.03 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that recruiting and retaining a highly qualified work force is essential to deliver high quality public programs. One factor that impairs recruitment or transfer of public employees is the housing cost differential between the rural and urban areas of the state. This housing cost differential can cause state employees to decline promotional or transfer opportunities if the costs associated with such moves are not compensated.

Therefore, the legislature finds that it is in the interest of the citizens of the state of Washington to authorize an employing agency to offer assistance to state employees to relocate from one part of the state to another. This assistance is referred to as relocation compensation and is commonplace with private and federal government employers.

NEW SECTION. Sec. 2. A new section is added to chapter 43.03 RCW to read as follows:

An agency may, within existing resources, authorize lump sum relocation compensation when it determines it is necessary to successfully recruit and retain qualified candidates who will have to make a domiciliary move in order to accept the position. It is lawful for a state office, commission, department, or institution to, within existing resources, authorize lump sum relocation compensation as authorized by rule under chapter 41.06 RCW and in accordance with the provisions of chapter 43.88 RCW. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation.

Sec. 3. RCW 41.06.150 and 1996 c 319 s 2 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;

(12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

(13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;

(14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position.

(a) The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.

(b) Beginning July 1, 1995, through June 30, 1997, in addition to the requirements of (a) of this subsection:

(i) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:

(A) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(B) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(C) The implementation is a result of emergent conditions. Emergent conditions are defined as emergency situations requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare, which do not exceed \$250,000 of the moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp. sess.

(ii) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(iii) Adjustments made to the higher education hospital special pay plan are exempt from (b)(i) through (ii) of this subsection.

(c) Reclassifications, class studies, and salary adjustments to be implemented during the 1997-99 and subsequent fiscal biennia are governed by (a) of this subsection and RCW 41.06.152;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary

move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person:

(20) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

~~((20))~~ (21) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

~~((21))~~ (22) Assuring persons who are or have been employed in classified positions before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

~~((22))~~ (23) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Passed the House April 24, 1999.
Passed the Senate April 12, 1999.
Approved by the Governor May 13, 1999.
Filed in Office of Secretary of State May 13, 1999.

CHAPTER 298

[Substitute House Bill 1291]

ELECTIONS AND VOTING

AN ACT Relating to election laws; amending RCW 29.04.050, 29.04.120, 29.04.170, 29.07.010, 29.07.120, 29.07.260, 29.08.080, 29.10.100, 29.15.025, 29.15.050, 29.30.101, 29.36.013, 29.57.010, 29.57.070, 29.57.090, 29.57.100, 29.57.130, 29.57.140, 29.57.150, 29.57.160, and 29.62.090; and repealing RCW 29.57.030, 29.57.080, 29.57.110, and 29.57.120.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 29.04.050 and 1989 c 278 s 1 are each amended to read as follows:

(1) Every voting precinct must be wholly within a single congressional district, a single legislative district, and a single district of a county legislative authority.

(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas.

(3) Except as provided in this subsection, changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau. A change need not follow such visible, physical features if (a) it is necessitated by an annexation or incorporation and the proposed precinct boundary is identical to an exterior boundary of the annexed or incorporated area which does not follow a visible, physical feature; or (b) doing so would substantially impair election administration in the involved area.

(4) After a change to precinct boundaries is adopted by the county legislative authority, the county auditor shall send to the secretary of state a copy of the legal description and a map or maps of the changes and, if all or part of the changes do not follow visible, physical features, a statement of the applicable exception under subsection (3) of this section. For boundary changes made pursuant to subsection (3)(b) of this section, the auditor shall include a statement of the reasons why following visible, physical features would have substantially impaired election administration.

(5) Every voting precinct within each county shall be designated (~~consecutively~~) by number for the purpose of preparation of maps and the tabulation of population for apportionment purposes. These precincts may be identified with names or other numbers for other election purposes.

(6) After a change to precinct boundaries in a city or town, the county auditor shall send one copy of the map or maps delineating the new precinct boundaries within that city or town to the city or town clerk.

(7) Precinct maps are public records and shall be available for inspection by the public during normal office hours in the offices where they are kept. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction.

Sec. 2. RCW 29.04.120 and 1992 c 7 s 32 are each amended to read as follows:

(1) Any person who uses registered voter data furnished under RCW 29.04.100 or 29.04.110 for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value shall be guilty of a felony punishable by imprisonment in a state correctional facility for a period of not more than five years or a fine of not more than ~~((five)) ten~~ thousand dollars or both such fine and imprisonment, and shall be liable to each person provided such advertisement or solicitation, without the person's consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to the person's residence: PROVIDED, That any person who mails or delivers any advertisement, offer or solicitation for a political purpose shall not be liable under this section, unless the person is liable under subsection (2) of this section. For purposes of this subsection, two or more attached papers or sheets or two or more papers which are enclosed in the same envelope or container or are folded together shall be deemed to constitute one item. Merely having a mailbox or other receptacle for mail on or near the person's residence shall not be any indication that such person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) It shall be the responsibility of each person furnished data under RCW 29.04.100 or 29.04.110 to take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, That such data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person shall be jointly and severally liable for damages under the provisions of subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

Sec. 3. RCW 29.04.170 and 1980 c 35 s 7 are each amended to read as follows:

(1) The legislature finds that certain laws are in conflict governing the election of various local officials. The purpose of ~~((this legislation))~~ chapter 126, Laws of 1979 ex. sess. is to provide a common date for the assumption of office for all the elected officials of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting. **Δ**

person elected to the office of school director begins his or her term of office at the first official meeting of the board of directors after certification of the election results. It is also the purpose of ~~((this legislation))~~ chapter 126, Laws of 1979 ~~ex. sess.~~, to remove these conflicts and delete old statutory language concerning such elections which is no longer necessary.

(2) For elective offices of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting, the term of incumbents shall end and the term of successors shall begin after the successor is elected and qualified, and the term shall commence immediately after December 31st following the election, except as follows:

(a) Where the term of office varies from this standard according to statute; and

(b) If the election results have not been certified prior to January 1st after the election, in which event the time of commencement for the new term shall occur when the successor becomes qualified in accordance with RCW 29.01.135.

(3) For elective offices governed by this section, the oath of office shall be taken as the last step of qualification as defined in RCW 29.01.135 but may be taken either:

(a) Up to ten days prior to the scheduled date of assuming office; or

(b) At the last regular meeting of the governing body of the applicable county, city, town, or special district held before the winner is to assume office.

Sec. 4. RCW 29.07.010 and 1994 c 57 s 8 are each amended to read as follows:

(1) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. The auditor may appoint a registration assistant for each precinct or group of precincts and shall appoint city or town clerks as registration assistants to assist in registering persons residing in cities, towns, and rural precincts within the county.

(2) In addition, the auditor may appoint a registration assistant for each common school. The auditor may appoint a registration assistant for each fire station. ~~((All common schools, fire stations, and public libraries shall make voter registration application forms available to the public.))~~

(3) A registration assistant must be a registered voter. Except for city and town clerks, each registration assistant holds office at the pleasure of the county auditor.

(4) The county auditor shall be the custodian of the official registration records of that county. The county auditor shall ensure that mail-in voter registration application forms are readily available to the public at locations to include but not limited to the elections office, and all common schools, fire stations, and public libraries.

Sec. 5. RCW 29.07.120 and 1994 c 57 s 16 are each amended to read as follows:

~~((On each Monday next following the registration of any voter each))~~ Once each week the county auditor shall transmit all cards required by RCW 29.07.090 ~~((received in the auditor's office during the prior week))~~ to the secretary of state ~~((for filing))~~. The secretary of state may exempt a county auditor who is providing electronic voter registration and electronic voter signature information to the secretary of state from the requirements of this section.

Sec. 6. RCW 29.07.260 and 1994 c 57 s 21 are each amended to read as follows:

(1) A person may register to vote ~~((or))~~, transfer a voter registration, or change his or her name for voter registration purposes when he or she applies for or renews a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote ~~((or))~~, transfer ~~((a))~~ his or her voter registration, or change his or her name for voter registration purposes under this section, the applicant shall provide the following:

(a) His or her full name;

(b) Whether the address in the driver's license file is the same as his or her residence for voting purposes;

(c) The address of the residence for voting purposes if it is different from the address in the driver's license file;

(d) His or her mailing address if it is not the same as the address in (c) of this subsection;

(e) Additional information on the geographic location of that voting residence if it is only identified by route or box;

(f) The last address at which he or she was registered to vote in this state;

(g) A declaration that he or she is a citizen of the United States; and

(h) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and to prevent duplicate or fraudulent voter registrations.

(3) The following warning shall appear in a conspicuous place on the voter registration form:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine of up to ten thousand dollars, or both imprisonment and fine."

(4) The applicant shall sign a portion of the form that can be used as an initiative signature card for the verification of petition signatures by the secretary of state and shall sign and attest to the following oath:

"I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days

before the next election at which I vote, and I will be at least eighteen years old when I vote."

(5) The driver licensing agent shall record that the applicant has requested to register to vote or transfer a voter registration.

Sec. 7. RCW 29.08.080 and 1993 c 434 s 8 are each amended to read as follows:

The secretary of state shall furnish registration forms necessary to carry out the registration of voters as provided by this chapter without cost to the respective counties. ~~((However, costs incurred by the secretary of state during 1994 and 1995 in the printing and distribution of voter registration forms shall be reimbursed by the counties. This cost shall be considered an election cost under RCW 29.13.045 and be prorated as part of the 1994 and 1995 general election costs.))~~

Sec. 8. RCW 29.10.100 and 1994 c 57 s 43 are each amended to read as follows:

~~((On the Monday next following))~~ Once each week after the cancellation of the registration of any voter or the change of name of a voter, each county auditor ~~((must))~~ shall certify ~~((to))~~ all cancellations or name changes ~~((made during the prior week))~~ to the secretary of state. The certificate shall set forth the name of each voter whose registration has been canceled or whose name was changed, and the county, city or town, and precinct in which the voter was registered.

Sec. 9. RCW 29.15.025 and 1993 c 317 s 10 are each amended to read as follows:

(1) A person filing a declaration and affidavit of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office.

(2) The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW 3.46.067 and 3.50.057, the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations and affidavits of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(3) This section does not apply to the office of a member of the United States congress.

Sec. 10. RCW 29.15.050 and 1990 c 59 s 85 are each amended to read as follows:

A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis(~~(, nor for the filing of any declaration of candidacy by a write-in candidate)~~).

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for:

(1) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

(2) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

Sec. 11. RCW 29.30.101 and 1990 c 59 s 14 are each amended to read as follows:

The names of the persons certified as nominees by the secretary of state or the county canvassing board shall be printed on the ballot at the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board, or (3) a minor party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under RCW 29.18.160.

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear more than once upon a ballot for a position regularly nominated or elected at the same election.

Sec. 12. RCW 29.36.013 and 1993 c 418 s 1 are each amended to read as follows:

Any voter may apply, in writing, for status as an ongoing absentee voter. Each qualified applicant shall automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote and need not submit a separate request for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record; ~~((or))~~
- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) Upon placing a voter on inactive status under RCW 29.10.071.

Sec. 13. RCW 29.57.010 and 1985 c 205 s 1 are each amended to read as follows:

The intent of this chapter is to ~~((implement Public Law 98-435 which))~~ require~~((s))~~ state and local election officials~~((, wherever possible,))~~ to designate and use polling places in ~~((federal))~~ all elections and permanent registration locations which are accessible to elderly and handicapped persons. County auditors ~~((are encouraged to))~~ shall:

- (1) Make modifications such as installation of temporary ramps or relocation of polling places within buildings, where appropriate;
- (2) Designate new, accessible polling places to replace those that are inaccessible; and
- (3) Continue to use polling places and voter registration locations which are accessible to elderly and handicapped persons.

Sec. 14. RCW 29.57.070 and 1985 c 205 s 3 are each amended to read as follows:

No later than April 1st of each even-numbered year ~~((until and including 1994)),~~ each county auditor shall ~~((report))~~ submit to the secretary of state~~((, on the form provided by the secretary of state,))~~ a list showing the number of ~~((all))~~ polling places in the county~~((;))~~ and specifying any that have been found inaccessible. The auditor shall indicate the reasons for inaccessibility, and what efforts have been made pursuant to this chapter to locate alternative polling places or to make the existing facilities temporarily accessible. ~~((Each county auditor shall notify the secretary of state of any changes in polling place locations before the next state general election, including any changes required due to alteration of precinct boundaries.))~~

If a county auditor's list shows, for two consecutive reporting periods, that no polling places have been found inaccessible, the auditor need not submit further reports unless the secretary of state specifically reinstates the requirement for that county. Notice of reinstatement must be in writing and delivered at least sixty days before the reporting date.

Sec. 15. RCW 29.57.090 and 1985 c 205 s 5 are each amended to read as follows:

The secretary of state shall establish procedures to assure that, in any ~~((state))~~ primary or ~~((state general))~~ election ~~((in an even-numbered year)),~~ any handicapped or elderly voter assigned to an inaccessible polling place will, upon advance request of that voter, either be permitted to vote at an alternative accessible

polling place not overly inconvenient to that voter or be provided with an alternative means of casting a ballot on the day of the primary or election. The county auditor shall make any accommodations in voting procedures necessary to allow the use of alternative polling places by elderly or handicapped voters under this section.

Sec. 16. RCW 29.57.100 and 1985 c 205 s 6 are each amended to read as follows:

Each polling place (~~for a state primary or state general election in an even-numbered year shall~~) must be accessible unless:

(1) The (~~secretary of state has reviewed that polling place,~~) county auditor has determined that it is inaccessible, that no alternative accessible polling place is available, that no temporary modification of that polling place or any alternative polling place is possible, and that the county auditor has complied with the procedures established under RCW 29.57.090; or

(2) The secretary of state determines that a state of emergency exists that would otherwise interfere with the efficient administration of (~~that~~) the primary or election.

Sec. 17. RCW 29.57.130 and 1985 c 205 s 9 are each amended to read as follows:

(1) Each county auditor shall provide voting and registration instructions, printed in large type, to be conspicuously displayed at each polling place and permanent registration facility.

(2) The (~~secretary of state~~) county auditor shall make information available for deaf persons throughout the state by telecommunications.

Sec. 18. RCW 29.57.140 and 1985 c 205 s 10 are each amended to read as follows:

The (~~secretary of state~~) county auditor shall provide public notice of the availability of registration and voting aids, assistance to elderly and handicapped persons (~~under RCW 29.51.200 and 42 U.S.C. Section 1973aa-6~~), and procedures for voting by absentee ballot calculated to reach elderly and handicapped persons not later than public notice of the closing of registration for (~~the state~~) a primary (~~and state general~~) or election (~~in each even-numbered year~~).

Sec. 19. RCW 29.57.150 and 1985 c 205 s 11 are each amended to read as follows:

Each county auditor shall include a notice of the accessibility of polling places in the notice of election published under RCW 29.27.030 and 29.27.080 (~~for the state primary and state general election in each even-numbered year~~).

Sec. 20. RCW 29.57.160 and 1985 c 205 s 12 are each amended to read as follows:

(1) County auditors shall seek alternative polling places or other low-cost alternatives including, but not limited to, procedural changes and assistance from

local disabled groups, service organizations, and other private sources before incurring costs for modifications under this chapter (~~and Public Law 98-435~~).

(2) (~~In a state primary or state general election in an even-numbered year;~~) The cost of those modifications to buildings or other facilities, including signs designating handicapped accessible parking and entrances, that are necessary to permit the use of those facilities for polling places under this chapter (~~and Public Law 98-435~~) or any procedures established under RCW 29.57.090 shall be treated as election costs and prorated under RCW 29.13.045.

Sec. 21. RCW 29.62.090 and 1990 c 262 s 1 are each amended to read as follows:

(1) Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

(2) After each general election (~~in an even-numbered year~~), the county auditor or other election officer shall provide to the secretary of state a report of the number of absentee ballots cast in each precinct for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31 of the year following the election. Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct-by-precinct basis.

(3) If absentee ballot results are not incorporated into votes cast at the polls, the county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated shall be contiguous.

NEW SECTION. **Sec. 22.** The following acts or parts of acts are each repealed:

- (1) RCW 29.57.030 and 1985 c 205 s 2 & 1979 ex.s. c 64 s 3;
- (2) RCW 29.57.080 and 1985 c 205 s 4;
- (3) RCW 29.57.110 and 1985 c 205 s 7; and
- (4) RCW 29.57.120 and 1985 c 205 s 8.

Passed the House April 19, 1999.
Passed the Senate April 15, 1999.
Approved by the Governor May 13, 1999.
Filed in Office of Secretary of State May 13, 1999.

CHAPTER 299

[Engrossed House Bill 1313]

**RURAL DEVELOPMENT COUNCIL EXECUTIVE COMMITTEE—SUCCESSOR
ORGANIZATION**

AN ACT Relating to rural development; amending RCW 42.52.080; adding new sections to chapter 43.31 RCW; repealing RCW 43.31.855, 43.31.857; and repealing 1997 c 377 s 3 (uncodified).

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 43.31 RCW to read as follows:

(1) The rural development council executive committee and the department are authorized to establish a successor organization to the rural development council executive committee created under RCW 43.31.855. The purpose of the successor organization is, at least in part, to improve the delivery and accessibility of public and private resources for meeting the needs of rural communities in Washington.

(2) For purposes of this section, "successor organization" means a private nonprofit corporation created specifically to assume responsibility for administering funds provided by the federal government and other sources to carry out the purpose state in subsection (1) of this section. A successor organization must qualify as a tax-exempt nonprofit corporation under section 501(c)(3) of the federal internal revenue code.

NEW SECTION. Sec. 2. A new section is added to chapter 43.31 RCW to read as follows:

The executive committee and the department are authorized to take all steps reasonably necessary and proper to effect the orderly transition of the rural development council executive committee to the successor organization. This authorization includes, but is not necessarily limited to, the authority to:

(1) Transfer any equipment, records, other assets, or contracts for services to the successor organization under appropriate terms and conditions, including reasonable compensation for assets acquired with state funds;

(2) Assist in the establishment of a successor organization, including entering into contracts preparatory to the establishment of the organization; and

(3) Unless otherwise provided by agreement, assign to the successor organization any membership agreements, contracts, license, and other duties and obligations related to the rural development council.

Sec. 3. RCW 42.52.080 and 1994 c 154 s 108 are each amended to read as follows:

(1) No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

(a) The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

(2) No person who has served as a state officer or state employee may, within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

(3) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the officer or employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during the course of state employment.

(4) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties by the officer or employee during the course of state employment.

(5) No former state officer or state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state officers or state employees in the course of employee organization business.

(6) As used in this section, "employer" means a person as defined in RCW 42.52.010 or any other entity or business that the person owns or in which the person has a controlling interest. For purposes of subsection (1) of this section, the

term "employer" does not include a successor organization to the rural development council under chapter 43.31 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 43.31 RCW to read as follows:

Notwithstanding anything to the contrary in chapter 41.06 RCW or any other provision of law, the department may contract to provide funding to a successor organization under section 1 of this act to carry out activities of the organization that are consistent with the department's powers and duties. All moneys for contracts entered into under this section are subject to appropriation.

NEW SECTION. Sec. 5. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 43.31.855 and 1997 c 377 s 1;
- (2) RCW 43.31.857 and 1997 c 377 s 2; and
- (3) 1997 c 377 s 3 (uncodified).

NEW SECTION. Sec. 6. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2002:

- (1) RCW 43.31.— and 1998 c . . . s 1 (section 1 of this act); and
- (2) RCW 43.31.— and 1998 c . . . s 2 (section 2 of this act).

Passed the House March 11, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 300

[House Bill 1432]

DAIRY COMMISSION—HEARING PARTICIPATION

AN ACT Relating to powers and duties of the dairy commission; and amending RCW 15.44.060.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 15.44.060 and 1979 ex.s. c 238 s 4 are each amended to read as follows:

The commission shall have the power and duty to:

- (1) Elect a chairman and such other officers as it deems advisable, and adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers, which shall have the effect of law when not inconsistent with existing laws;
- (2) Administer and enforce the provisions of this chapter and perform all acts and exercise all powers reasonably necessary to effectuate the purpose hereof;
- (3) Employ and discharge advertising counsel, advertising agents, and such attorneys, agents, and employees as it deems necessary, and prescribe their duties and powers and fix their compensation;
- (4) Establish offices, incur expenses, enter into contracts, and create such liabilities as are reasonable and proper for the proper administration of this chapter;

- (5) Investigate and prosecute violations of this chapter;
- (6) Conduct scientific research designed to improve milk production, quality, transportation, processing, and distribution and to develop and discover uses for products of milk and its derivatives;
- (7) Make in its name such advertising contracts and other agreements as are necessary to promote the sale of dairy products on either a state, national, or foreign basis;
- (8) Keep accurate records of all its dealings, which shall be open to public inspection and audit by the regular agencies of the state; ~~((and))~~
- (9) Conduct the necessary research to develop more efficient and equitable methods of marketing dairy products, and enter upon, singly or in participation with others, the promotion and development of state, national, or foreign markets; and
- ~~(10) Participate in federal and state agency hearings, meetings, and other proceedings relating to the regulation of the production, manufacture, distribution, sale, or use of dairy products, to provide educational meetings and seminars for the dairy industry on such matters, and to expend commission funds for such activities.~~

Passed the House April 19, 1999.

Passed the Senate April 12, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 301

[House Bill 1550]

MILWAUKEE ROAD CORRIDOR—NEGOTIATION EXTENSION

AN ACT Relating to extending the negotiation period for the Milwaukee Road corridor franchise agreement; amending RCW 43.51.112, 43.51.1121, 43.51.113, and 43.51.114; amending 1996 c 129 s 11 (uncodified); providing contingent expiration dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.51.112 and 1996 c 129 s 2 are each amended to read as follows:

(1) The commission shall develop and maintain a cross-state trail facility with appropriate appurtenances.

(2) This section expires July 1, ~~((1999))~~ 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, ~~((1999))~~ 2006.

Sec. 2. RCW 43.51.1121 and 1996 c 129 s 3 are each amended to read as follows:

(1) To facilitate completion of a cross-state trail under the management of the parks and recreation commission, management and control of lands known as the Milwaukee Road corridor shall be transferred between state agencies as follows on

the date a franchise agreement is entered into for a rail line over portions of the Milwaukee Road corridor:

(a) Portions owned by the state between Ellensburg and the Columbia river that are managed by the parks and recreation commission are transferred to the department of transportation;

(b) Portions owned by the state between the west side of the Columbia river and Royal City Junction and between Warden and Lind that are managed by the department of natural resources are transferred to the department of transportation; and

(c) Portions owned by the state between Lind and the Idaho border that are managed by the department of natural resources are transferred to the parks and recreation commission.

(2) The department of natural resources and the parks and recreation commission may by mutual agreement transfer the management authority over portions of the Milwaukee Road corridor between their two respective agencies without legislative approval if the portion transferred does not exceed ten miles in length.

(3) This section expires July 1, (~~1999~~) 2006, and no transfers shall occur if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, (~~1999~~) 2006.

Sec. 3. RCW 43.51.113 and 1996 c 129 s 4 are each amended to read as follows:

(1) The department of transportation shall negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Lind. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right of way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the legislative transportation committee, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

(4) This section expires July 1, (~~1999~~) 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, (~~1999~~) 2006.

Sec. 4. RCW 43.51.114 and 1996 c 129 s 5 are each amended to read as follows:

(1) The cross-state trail account is created in the custody of the state treasurer. Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally granted trust lands or for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The commission may acquire land from willing sellers for the cross-state trail, but not by eminent domain.

(4) The commission shall adopt rules describing the cross-state trail.

(5) This section expires July 1, ~~((1999))~~ 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, ~~((1999))~~ 2006.

Sec. 5. 1996 c 129 s 11 (uncodified) is amended to read as follows:

Sections 7 and 8, chapter 129, Laws of 1996 expire July 1, ~~((1999))~~ 2006, if the department of transportation does not enter into a franchise agreement for a rail line over portions of the Milwaukee Road corridor by July 1, ~~((1999))~~ 2006.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House April 19, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 302

[Engrossed Substitute House Bill 1562]

AIRPORT OPERATORS—CHARGES AND TAXES

AN ACT Relating to the adoption of regulations by airport operators for airport rental, use, and collection of charges; and amending RCW 14.08.122, 47.68.250, and 82.48.100.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 14.08.122 and 1987 c 254 s 2 are each amended to read as follows:

An airport operator may adopt all regulations necessary for rental and use of airport facilities and for the expeditious collection of airport charges. The regulations may also establish procedures for the enforcement of these regulations by the airport operator. The regulations shall include the following:

(1) Procedures authorizing airport personnel to take reasonable measures including, but not limited to, the use of chains, ropes, and locks to secure aircraft within the airport facility so that the aircraft are in the possession and control of the airport operator and cannot be removed from the airport. These procedures may be used if an owner hanging or parking an aircraft at the airport fails, after being notified that charges are owing and of the owner's right to contest that such charges are owing, to pay the airport charges owed ((and the account is at least sixty days delinquent)) or to commence legal proceedings. Notification shall be by registered mail to the owner at his or her last known address. In the case of an aircraft where an owner's address cannot be determined or obtained after reasonable effort, the airport operator need not give such notice prior to securing the aircraft. At the time of securing the aircraft, an authorized airport employee shall attach to the aircraft

a readily visible notice and shall make a reasonable attempt to send a copy of the notice to the owner at his or her last known address by registered mail, return receipt requested, and ~~((a))~~ an additional copy of the notice by first class mail. The notice shall be of a reasonable size and shall contain the following information:

- (a) The date and time the notice was attached;
- (b) A reasonable description of the aircraft;
- (c) The identity of the authorized employee;
- (d) The amount of airport charges owing;
- (e) A statement that if the account is not paid in full within ~~((one hundred eighty))~~ ninety days from the time the notice was attached the aircraft may be sold at public auction to satisfy the airport charges;

~~((f))~~ ~~((The time and place of sale;~~
~~((g))~~ A statement of the owner's right to commence legal proceedings to contest the charges owing and to have the aircraft released upon posting of an adequate cash bond or other security; and

~~((h))~~ ~~((i))~~ (g) The address and telephone number where additional information may be obtained concerning the release of the aircraft.

(2) Procedures authorizing airport personnel at their discretion to ~~((place))~~ move aircraft ~~((in))~~ to an area within the airport operator's control or for storage with private persons under the airport operator's control as bailees of the airport facility. ~~((Reasonable))~~ Costs of any such procedure shall be paid by the aircraft's owner.

(3) If an aircraft is secured under subsection (1) of this section or moved under conditions authorized ~~((under))~~ by subsection (2) of this section the owner who is obligated for hangaring or parking or other airport charges may regain possession of the aircraft by:

(a) Making arrangements satisfactory with the airport operator for the immediate removal of the aircraft from the airport's hangar, or making arrangements for authorized parking; and

(b) By making payment to the airport operator of all airport charges or by posting with the airport operator a sufficient cash bond or other security acceptable to such operator, to be held in trust by the airport operator pending written agreement of the parties with respect to payment by the aircraft owner of the amount owing, or pending resolution of charges in a civil action in a court of competent jurisdiction. Upon written agreement or judicial resolution, the trust shall terminate and the airport operator shall receive so much of the bond or other security as is necessary to satisfy the agreement, or any judgment, costs, and interest as may be awarded to the airport operator. The balance shall be refunded immediately to the owner at the owner's last known address by registered mail, return receipt requested. The airport operator shall send to the owner by first class mail a notice that the balance of funds was forwarded to him or her by registered mail, return receipt requested.

(4) If an aircraft parked or hangared at an airport is abandoned, the airport operator may authorize the public sale of the aircraft by authorized personnel to the highest and best bidder for cash as follows:

(a) If an aircraft has been secured by the airport operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ~~((one hundred eighty))~~ ninety days after notifying or attempting to notify the owner under subsection (1) of this section, or in all other cases, for ~~((one hundred eighty))~~ ninety days after the airport operator secures the aircraft, the aircraft shall be conclusively presumed to have been abandoned by the owner;

(b) Before the aircraft is sold, the owner of the aircraft shall be given at least twenty days' notice of sale by registered mail, return receipt requested, if the name and address of the owner are known, and the notice of sale shall be published at least once, more than ten but less than twenty days before the sale, in a newspaper of general circulation in the county in which the airport is located. The notice shall include the name of the aircraft, if any, its aircraft identification number, the last known owner and address, the time and place of sale, the amount of airport charges that will be owing at the time of sale, a reasonable description of the aircraft to be sold and a statement that the airport operator may bid all or part of its airport charges at the sale and may become a purchaser at the sale;

(c) Before the aircraft is sold, any person seeking to redeem an impounded aircraft under this section may commence a lawsuit in the superior court of the county in which the aircraft was impounded, to contest the validity of the impoundment or the amount of airport charges owing. Such lawsuit must be commenced within ten days of the date the notification was provided under subsection (1) of this section, or the right to a hearing is waived and the owner is liable for any airport charges owing the airport operator. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs;

(d) The proceeds of a sale under this section shall first be applied to payment of airport charges owed. The balance, if any, shall be deposited with the department of revenue to be held in trust for the owner or owners and lienholders for a period of one year. If more than one owner appears on the aircraft title, and/or if any liens appear on the title, the department must, if a claim is made, interplead the balance into a court of competent jurisdiction for distribution. The department may release the balance to the legal owner provided that the claim is made within one year of sale and only one legal owner and no lienholders appear on the title. If no valid claim is made within one year of the date of sale, the excess funds from the sale shall be deposited in the aircraft search and rescue, safety, and education account created in RCW 47.68.236. If the sale is for a sum less than the applicable airport charges, the airport operator is entitled to assert a claim against the aircraft owner or owners for the deficiency;

(e) In the event that no one purchases the aircraft at a sale, or that the aircraft is not removed from the premises or other arrangements are not made within ten days of the sale, title to the aircraft shall revert to the airport operator.

(5) The regulations authorized under this section shall be enforceable only if:

(a) The airport operator has had its tariff and/or regulations, including any and all regulations authorizing the impoundment of an aircraft that is the subject of delinquent airport charges, conspicuously posted at the airport manager's office at all times.

(b) All impounding remedies available to the airport operator are included in any written contract for airport charges between an airport operator and an aircraft owner; and

~~((6))~~ (c) All rules and regulations authorized under this section are adopted either pursuant to chapter 34.05 RCW, or by resolution of the appropriate legislative authority, as applicable.

Sec. 2. RCW 47.68.250 and 1998 c 188 s 1 are each amended to read as follows:

Every aircraft shall be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of ~~((four))~~ eight dollars shall be charged for each such registration and each annual renewal thereof.

Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

The registration fee imposed by this section shall be payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and shall be collected by the secretary at the time of the collection by him or her of the said excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she shall thereupon issue to the owner of the aircraft a certificate of registration therefor. The secretary shall pay to the state treasurer the registration fees collected under this section, which registration fees shall be credited to the aeronautics account in the transportation fund.

It shall not be necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary shall issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

The provisions of this section shall not apply to:

(1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

- (2) An aircraft registered under the laws of a foreign country;
- (3) An aircraft which is owned by a nonresident and registered in another state: PROVIDED, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;
- (4) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;
- (5) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;
- (6) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;
- (7) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

The secretary shall be notified within one week of any change in ownership of a registered aircraft. The notification shall contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, shall require from an aircraft owner proof of aircraft registration or proof of intent to register an aircraft as a condition of leasing or selling tiedown or hangar space for an aircraft. The airport shall inform the lessee or purchaser of the tiedown or hangar space of the state law requiring registration and direct the person to comply with the state law if the person has not already done so. The airport may lease or sell tiedown or hangar space to owners of nonregistered aircraft after presenting them with the appropriate state registration forms. It is then the responsibility of the lessee or purchaser to register the aircraft. The airport shall report to the department's aviation division at the end of each month, the names, addresses, and "N" numbers of those aircraft owners not yet registered.

Sec. 3. RCW 82.48.100 and 1965 ex.s. c 173 s 28 are each amended to read as follows:

This chapter shall not apply to:

Aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which are not engaged in carrying persons or property for commercial purposes;

Aircraft registered under the laws of a foreign country;

Aircraft which are owned by a nonresident and registered in another state: PROVIDED, That if any such aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

Aircraft engaged principally in commercial flying which constitutes interstate or foreign commerce; and aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

Aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

Aircraft owned by a nonresident of this state if the aircraft is kept at an airport in this state and that airport is jointly owned or operated by a municipal corporation or other governmental entity of this state and a municipal corporation or other governmental entity of another state, and the owner or operator of the aircraft provides the department with proof that the owner or operator has paid all taxes, license fees, and registration fees required by the state in which the owner or operator resides.

Passed the House April 23, 1999.

Passed the Senate April 12, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 303

[House Bill 1599]

EXTRAORDINARY CRIMINAL JUSTICE COSTS—REIMBURSEMENT

AN ACT Relating to court funding; and adding a new section to chapter 43.330 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 43.330 RCW to read as follows:

Counties may submit a petition for relief to the office of public defense for reimbursement of extraordinary criminal justice costs. Extraordinary criminal justice costs are defined as those associated with investigation, prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases.

(1) The office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop procedures for processing the petitions, for auditing the veracity of the petitions, and for prioritizing the petitions. Prioritization of the petitions shall be based on, but not limited to, such factors as disproportionate fiscal impact relative to the county budget, efficient use of resources, and whether the costs are extraordinary and could not be reasonably accommodated and anticipated in the normal budget process.

(2) Before January 1st of each year, the office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that are recommended for funding by the legislature.

Passed the House April 19, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 304

[Substitute House Bill 1673]

POLITICAL ADVERTISING—FALSE STATEMENTS

AN ACT Relating to false political advertising; amending RCW 42.17.530; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The Washington supreme court in a case involving a ballot measure, *State v. 119 Vote No! Committee*, 135 Wn.2d 618 (1998), found the statute that prohibits persons from sponsoring, with actual malice, political advertising containing false statements of material fact to be invalid under the First Amendment to the United States Constitution.

(2) The legislature finds that a review of the opinions indicates that a majority of the supreme court may find valid a statute that limited such a prohibition on sponsoring with actual malice false statements of material fact in a political campaign to statements about a candidate in an election for public office.

(3) It is the intent of the legislature to amend the current law to provide protection for candidates for public office against false statements of material fact sponsored with actual malice.

Sec. 2. RCW 42.17.530 and 1988 c 199 s 2 are each amended to read as follows:

(1) It is a violation of this chapter for a person to sponsor with actual malice:

(a) Political advertising that contains a false statement of material fact about a candidate for public office. However, this subsection (1)(a) does not apply to statements made by a candidate or the candidate's agent about the candidate himself or herself;"

(b) Political advertising that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;

(c) Political advertising that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) Any violation of this section shall be proven by clear and convincing evidence.

Passed the House April 23, 1999.

Passed the Senate April 21, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 305

[Substitute House Bill 1747]

CONSERVATION DISTRICTS—FORMATION AND DISSOLUTION

AN ACT Relating to conservation district deannexation of municipalities, dissolution, and liability; amending RCW 89.08.020, 89.08.080, 89.08.110, 89.08.130, 89.08.150, 89.08.180, 89.08.220, 89.08.350, 89.08.360, and 89.08.370; adding a new section to chapter 89.08 RCW; and repealing RCW 89.08.380.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 89.08.020 and 1973 1st ex.s. c 184 s 3 are each amended to read as follows:

Unless the context clearly indicates otherwise, as used in this chapter:

"Commission" and "state conservation commission" means the agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission";

"District", or "conservation district" means a governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess., for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess. shall be known as conservation districts and shall have all the powers and duties set out in ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess. All references in ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts";

"Board" and "supervisors" mean the board of supervisors of a conservation district;

"Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of ~~((this 1973 amendatory act))~~ chapter 184, Laws of 1973 1st ex. sess., whether as owner, lessee, renter, tenant, or otherwise;

"District elector" ~~or "voter"~~ means a ~~((qualified county elector occupying land))~~ registered voter in the county where the district is located who resides within the district boundary or in the area affected by a petition;

"Due notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice;

"Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space;

"Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.

"Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

Sec. 2. RCW 89.08.080 and 1973 1st ex.s. c 184 s 9 are each amended to read as follows:

To form a conservation district, (~~twenty-five or more persons occupying land~~) twenty percent of the voters within the area to be affected may file a petition with the commission asking that the area be organized into a district.

The petition shall give the name of the proposed district, state that it is needed in the interest of the public health, safety, and welfare, give a general description of the area proposed to be organized and request that the commission determine that it be created, and that it define the boundaries thereof and call an election on the question of creating the district.

If more than one petition is filed covering parts of the same area, the commission may consolidate all or any of them.

Sec. 3. RCW 89.08.110 and 1973 1st ex.s. c 184 s 12 are each amended to read as follows:

If the commission finds that the district is needed, it shall then determine whether it is practicable. To assist the commission in determining this question, it shall, within a reasonable time, submit the proposition to a vote of the ~~((land occupiers))~~ district electors in the proposed district.

The commission shall fix the date of the election, designate the polling places, fix the hours for opening and closing the polls, and appoint the election officials. The election shall be conducted, the vote counted and returns canvassed and the results published by the commission.

Sec. 4. RCW 89.08.130 and 1973 1st ex.s. c 184 s 14 are each amended to read as follows:

The commission shall give due notice of the election, which shall state generally the purpose of the election, the date thereof, the place and hours of voting, and set forth the boundaries of the proposed district.

Only qualified district electors within the proposed district as determined by the commission may vote at the election. Each voter shall vote in the polling place nearest ~~((his))~~ the voter's residence. ~~((If he resides outside the district, he shall vote at the nearest polling place of the district.))~~

Sec. 5. RCW 89.08.150 and 1973 1st ex.s. c 184 s 16 are each amended to read as follows:

If a majority of the votes cast at the election are against the creation of the district, the commission shall deny the petition. If a majority favor the district, the commission shall determine the practicability of the project.

In making such determination, ~~the~~ commission shall consider the attitude of the ~~((land occupiers))~~ voters of the district; the number of eligible voters who voted at the election; the size of the majority vote; the wealth and income of the land occupiers; the probable expense of carrying out the project; and any other economic factors relevant thereto.

If the commission finds that the project is impracticable it shall enter an order to that effect and deny the petition. When the petition has been denied, no new petition covering the same or substantially the same area may be filed within six months therefrom.

Sec. 6. RCW 89.08.180 and 1973 1st ex.s. c 184 s 19 are each amended to read as follows:

Territory may be added to an existing district upon filing a petition as in the case of formation with the commission by ~~((occupiers of the lands))~~ twenty percent of the voters of the affected area to be included. The same procedure shall be followed as for the creation of the district.

As an alternate procedure, the commission may upon the petition of a majority of the ~~((land occupiers))~~ voters in any one or more districts or in unorganized territory adjoining a conservation district change the boundaries of a district, or districts, if such action will promote the practical and feasible administration of such district or districts.

Upon petition of the boards of supervisors of two or more districts, the commission may approve the combining of all or parts of such districts and name the district, or districts, with the approval of the name by the secretary of state. A public hearing and/or a referendum may be held if deemed necessary or desirable by the commission in order to determine the wishes of (~~land-occupiers~~) the voters.

When districts are combined, the joint boards of supervisors will first select a chairman, secretary and other necessary officers and select a regular date for meetings. All elected supervisors will continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. All appointed supervisors will continue to serve until the expiration of their current term of office, at which time the commission will make the necessary appointments. In the event that more than two districts are combined, a similar procedure will be set up and administered by the commission.

When districts are combined or territory is moved from one district to another, the property, records and accounts of the districts involved shall be distributed to the remaining district or districts as approved by the commission. A new certificate of organization, naming and describing the new district or districts, shall be issued by the secretary of state.

NEW SECTION. Sec. 7. A new section is added to chapter 89.08 RCW to read as follows:

The local governing body of any city or incorporated town within an existing district may approve by majority vote a petition to withdraw from the district. The petition shall be submitted to the district for its approval. If approved by the district, the petition shall be sent to the commission. The commission shall approve the petition and forward it to the secretary of state and the boundary of the district shall be adjusted accordingly. If the petition is not approved by the district, the district shall adopt a resolution specifying the reasons why the petition is not approved. The petition and the district's resolution shall be sent to the commission for its review. The commission shall approve or reject the petition based upon criteria it has adopted for the evaluation of petitions in dispute. If the commission approves the petition, it shall forward the petition to the secretary of state and the boundaries of the district shall be adjusted accordingly. The criteria used by the commission to evaluate petition^r which are in dispute shall be adopted as rules by the commission under chapter 34.05 RCW, the administrative procedure act.

Sec. 8. RCW 89.08.220 and 1973 1st ex.s. c 184 s 23 are each amended to read as follows:

A conservation district organized under the provisions of this 1973 amendatory act shall constitute a governmental subdivision of this state, and a public body corporate and politic exercising public powers, but shall not levy taxes or issue bonds and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this 1973 amendatory act:

(1) To conduct surveys, investigations, and research relating to the conservation of renewable natural resources and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement: PROVIDED, That in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

(2) To conduct educational and demonstrational projects on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required in order to demonstrate by example the means, methods, measures, and works of improvement by which the conservation of renewable natural resources may be carried out;

(3) To carry out preventative and control measures and works of improvement for the conservation of renewable natural resources, within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of lands, and the measures listed in RCW 89.08.010, on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required;

(4) To cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this 1973 amendatory act. For purposes of this subsection only, land occupiers who are also district supervisors are not subject to the provisions of RCW 42.23.030;

(5) To obtain options upon and to acquire in any manner, except by condemnation, by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this 1973 amendatory act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

(6) To make available, on such terms, as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to carry on operations upon their lands for the conservation of renewable natural resources;

(7) To prepare and keep current a comprehensive long-range program recommending the conservation of all the renewable natural resources of the district. Such programs shall be directed toward the best use of renewable natural

resources and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forest, parks, outdoor recreation, potable water supplies for urban and rural areas, water for agriculture, minimal flow, and industrial uses, watershed stabilization, control of soil erosion, retardation of water run-off, flood prevention and control, reservoirs and other water storage, restriction of developments of flood plains, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, preservation of wilderness areas and wild rivers, the prevention or reduction of sedimentation and other pollution in rivers and other waters, and such location of highways, schools, housing developments, industries, airports and other facilities and structures as will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program shall include an inventory of all renewable natural resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs.

The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated funds needed to carry out the parts of the long-range programs that are of the highest priorities.

The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities. Occupiers of land shall be invited to submit proposals for consideration to such hearings. The districts may supplement such hearings with meetings, referenda and other suitable means to determine the wishes of interested parties and the general public in regard to current and proposed plans and programs of a district. They shall confer with public and private agencies, individually and in groups, to give and obtain information and understanding of the impact of district operations upon agriculture, forestry, water supply and quality, flood control, particular industries, commercial concerns and other public and private interests, both rural and urban.

Each district shall submit to the commission its proposed long-range program and annual work plans for review and comment.

The long-range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district, and it shall be published by the districts as its "renewable resources program". Copies shall be made available by the districts to the appropriate counties, municipalities, special purpose districts and state agencies, and shall be made available in convenient places for examination by public land occupier or private interest

concerned. Summaries of the program and selected material therefrom shall be distributed as widely as feasible for public information;

(8) To administer any project or program concerned with the conservation of renewable natural resources located within its boundaries undertaken by any federal, state, or other public agency by entering into a contract or other appropriate administrative arrangement with any agency administering such project or program;

(9) Cooperate with other districts organized under this 1973 amendatory act in the exercise of any of its powers;

(10) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and to use or expend such moneys, services, materials, or any contributions in carrying out the purposes of this act;

(11) To sue and be sued in the name of the district; to have a seal which shall be judicially noticed; have perpetual succession unless terminated as hereinafter provided; to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to borrow money and to pledge, mortgage and assign the income of the district and its real or personal property therefor; and to make, amend rules and regulations not inconsistent with this 1973 amendatory act and to carry into effect its purposes;

(12) Any two or more districts may engage in joint activities by agreement between or among them in planning, financing, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment, or services available to them under this 1973 amendatory act;

Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements.

The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any such agreement;

(13) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district; and

(14) The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter, and to make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered, and

may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes.

Sec. 9. RCW 89.08.350 and 1973 1st ex.s. c 184 s 25 are each amended to read as follows:

At any time after five years from the organization of a district, ~~((one hundred land-occupiers))~~ twenty percent of the voters in the district may file with the commission a petition, praying that the district be dissolved. The commission may hold public hearings thereon, and within sixty days from receipt of the petition, shall give due notice of an election on the question of dissolution. It shall provide appropriate ballots, conduct the election, canvass the returns, and declare the results in the same manner as for elections to create a district.

All district electors may vote at the election. No informality relating to the election shall invalidate it if notice is substantially given and the election is fairly conducted.

Sec. 10. RCW 89.08.360 and 1973 1st ex.s. c 184 s 26 are each amended to read as follows:

If a majority of the votes cast at the election are for dissolution, the district shall be dissolved. ~~((If two-thirds of the votes are against dissolution, the commission shall determine whether the continuance of the district is practicable. In making the determination it shall consider all the factors considered by it in determining that the district was practicable originally. If it finds that further operation of the district is impracticable it shall order it dissolved and certify its determination to the supervisors.))~~

Sec. 11. RCW 89.08.370 and 1973 1st ex.s. c 184 s 27 are each amended to read as follows:

If the district is ordered dissolved, the supervisors shall forthwith terminate the affairs of the district and dispose of all district property at public auction, and pay the proceeds therefrom to pay any debts of the district and any remaining balance to the state treasurer.

They shall then file a verified application with the secretary of state for the dissolution of the district, accompanied by a certificate of the commission reciting the determination that further operation of the district is impracticable. The application shall recite that the property of the district has been disposed of, that the proceeds therefrom have been used to pay any debts of the district and any remaining balance paid to the treasurer, and contain a full accounting of the property and proceeds. Thereupon the secretary shall issue to the supervisors a certificate of dissolution and file a copy thereof in his or her records.

NEW SECTION. **Sec. 12.** RCW 89.08.380 (Effect of dissolution—Commission substituted) and 1973 1st ex.s. c 184 s 28 & 1955 c 304 s 28 are each repealed.

Passed the House April 24, 1999.
 Passed the Senate April 23, 1999.
 Approved by the Governor May 13, 1999.
 Filed in Office of Secretary of State May 13, 1999.

CHAPTER 306

[Substitute House Bill 1848]

PORT DISTRICTS—POWERS

AN ACT Relating to clarifying the authority of port districts to exercise powers within and outside their territorial limits; amending RCW 53.04.010 and 53.08.240; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. Article VIII, section 8 of the Washington state Constitution authorizes the use of public funds by port districts in such manner as the legislature may prescribe for industrial development or trade promotion. The legislature recognizes a growing need for a Washington port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, to participate with other public agencies of this state and an adjoining state to attract, encourage, and develop industry and promote trade on both sides of their borders, for the economic benefit to the state of Washington. RCW 53.08.240 authorizes agreements between two or more port districts for the exercise of powers both within and outside their districts, and further authorizes contracts by port districts with other governmental entities. The interlocal cooperation act, chapter 39.34 RCW, also authorizes joint agreements and contracts between port districts and other state and local public agencies including political subdivisions of other states. However, there is uncertainty as to whether or not a port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, may exercise industrial development or trade promotion powers outside the district or state boundaries except jointly with another Washington port district.

The purpose of this act is to define and clarify the authority of a Washington port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, to exercise those powers jointly or in cooperation with other public agencies when found to be necessary and beneficial to the people of this state.

Sec. 2. RCW 53.04.010 and 1963 c 147 s 1 are each amended to read as follows:

(1) Port districts are hereby authorized to be established in the various counties of the state for the purposes of acquisition, construction, maintenance, operation, development and regulation within the district of harbor improvements, rail or motor vehicle transfer and terminal facilities, water transfer and terminal facilities, air transfer and terminal facilities, or any combination of such transfer and terminal

facilities, and other commercial transportation, transfer, handling, storage and terminal facilities, and industrial improvements.

(2) Powers of a port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, shall be exercised within the district, except as otherwise provided by statute or pursuant to an interlocal cooperation agreement with another public agency as defined in chapter 39.34 RCW. In addition to other requirements of chapter 39.34 RCW, such an interlocal cooperation agreement may involve the exercise of a port district's powers for a port district that is located in a county that has contiguous borders with another state, and a population between fifty and seventy thousand, outside the boundaries of the state of Washington in whole or in part only if found, by resolution of the port district commission exercising such authority, to be reasonably necessary for the effective exercise of the port district's statutory powers and for the benefit of the inhabitants of the district and the state of Washington. The resolution may be adopted only after a public hearing of which notice has been published in a newspaper of general circulation within the district at least ten days in advance.

Sec. 3. RCW 53.08.240 and 1961 c 24 s 1 are each amended to read as follows:

(1) Any two or more port districts shall have the power, by mutual agreement, to exercise jointly all powers granted to each individual district, and in the exercise of such powers shall have the right and power to acquire jointly all lands, property, property rights, leases, or easements necessary for their purposes, either entirely within or partly within or partly without or entirely without such districts: PROVIDED, That any two or more districts so acting jointly, by mutual agreement, shall not acquire any real property or real property rights in any other port district without the consent of such district.

(2) A district may enter into any contract with the United States, or any state, county, or municipal corporation, or any department of those entities, for carrying out any of the powers that each of the contracting parties may by law exercise separately.

(3)(a) A port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, may enter into any contract that each of the contracting parties may by law exercise separately with, including but not limited to, municipal corporations of adjoining states.

(b) In addition to other powers granted by statute, a port district that is located in a county that has a contiguous border with another state, and a population between fifty and seventy thousand, may enter into agreements with the United States or any of its agencies, or with any state, or with any municipal corporation of this state or of an adjoining state, for exercising jointly or cooperatively within or outside the district, in whole or in part, any of the powers that each of the contracting parties may by law exercise separately, for the promotion or development of trade or industry. Such powers may be exercised outside the

boundaries of this state only after a public hearing of which notice has been published in a newspaper of general circulation within the district at least ten days in advance, and pursuant to findings and a resolution by the port district's commission that: (i) The undertaking and the district's participation in it will substantially benefit the district and the state of Washington; and (ii) the districts' share of the cost will not exceed an amount calculated by dividing the total cost of the undertaking by the number of participants.

Passed the House April 19, 1999.

Passed the Senate April 7, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 307

[House Bill 2081]

INTERNET SERVICE PROVIDERS—EXTENSION ON TAX PROHIBITION

AN ACT Relating to extending the prohibition on taxes or fees specific to internet service providers; and amending RCW 35.21.717.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 35.21.717 and 1997 c 304 s 2 are each amended to read as follows:

Until July 1, (~~(1999)~~) 2002, a city or town may not impose any new taxes or fees specific to internet service providers. A city or town may tax internet service providers under generally applicable business taxes or fees, at a rate not to exceed the rate applied to a general service classification. For the purposes of this section, "internet service" has the same meaning as in RCW 82.04.297.

Passed the House March 9, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 308

[House Bill 2259]

DRIVERS' LICENSES—PERIOD AND FEES

AN ACT Relating to issuing drivers' licenses; amending RCW 46.20.120, 46.20.161, 46.20.181, 46.20.470, and 46.20.505; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 46.20.120 and 1999 c 6 s 19 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall

give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of seven dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than ~~((four))~~ five years.

Sec. 2. RCW 46.20.161 and 1999 c 6 s 22 are each amended to read as follows:

The department, upon receipt of a fee of ~~((fourteen))~~ twenty-five dollars, unless the driver's license is issued for a period other than five years, in which case the fee shall be five dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

Sec. 3. RCW 46.20.181 and 1999 c 6 s 23 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, every driver's license expires on the ~~((fourth))~~ fifth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of ~~((fourteen))~~ twenty-five dollars. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

(4) During the period from July 1, 2000, to July 1, 2006, the department may issue or renew a driver's license for a period other than five years, or may extend by mail a license that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers. The fee for a driver's license issued or renewed for a period other than five years, or that has been extended by mail, is five dollars for each year that the license is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

Sec. 4. RCW 46.20.470 and 1989 c 178 s 21 are each amended to read as follows:

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall not exceed ~~((twelve))~~ twenty dollars for the original commercial driver's license or subsequent renewals, unless the commercial driver's license is renewed or extended for a period other than five years, in which case the fee for each class shall not exceed four dollars for each year that the commercial driver's license is renewed or extended. The fee shall be deposited in the highway safety fund.

Sec. 5. RCW 46.20.505 and 1993 c 115 s 1 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay an examination fee of two dollars which is not refundable. In addition, the endorsement fee for the initial or new category motorcycle endorsement shall ~~((be six))~~ not exceed ten dollars, and the subsequent renewal endorsement fee shall ~~((be fourteen))~~ not exceed twenty-five dollars, unless the endorsement is renewed or extended for a period other than five years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. The initial or new category and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act take effect July 1, 2000.

Passed the House April 24, 1999.

Passed the Senate April 23, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.

CHAPTER 309

[Engrossed Substitute Senate Bill 5180]

FISCAL MATTERS

AN ACT Relating to fiscal matters; making appropriations and authorizing expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1997, and ending June 30, 1999, and the fiscal biennium beginning July 1, 1999, and ending June 30, 2001; amending RCW 41.06.152, 43.08.250, 43.10.220, 49.70.170, 70.190.090, 79.24.580, 82.14.310, 72.11.040, 69.50.520, 72.09.050, 82.24.027, 82.26.025, 43.84.092, 43.84.092, 82.44.160, 28B.15.066, and 72.09.050; reenacting and amending RCW 70.105D.070; amending 1997 c 149 ss 140, 143, 305, 713, and 802 (uncodified); amending 1997 c 235 s 501 (uncodified); amending 1997 c 454 s 509 (uncodified); amending 1998 c 346 ss 101, 102, 105, 106, 107, 108, 110, 111, 113, 114, 115, 117, 118, 121, 128, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 217, 218, 219, 220, 222, 302, 304, 307, 308, 401, 402, 502, 503, 504, 505, 507, 508, 509, 510, 511, 512, 513, 514, 515, 601, 603, 604, 605, 606, 607, 608, 609, 610, 611, 701, 702, 704, 705, 706, 707, 710, 714, 801, 802, and 803 (uncodified); amending 1998 c 347 s 53 (uncodified); adding new sections to chapter 41.45 RCW; adding a new section to chapter 43.79 RCW; adding new sections to 1997 c 149 (uncodified); creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through VIII of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1999, and ending June 30, 2001, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

PART I
GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2000)	.....	\$	24,853,000
General Fund—State Appropriation (FY 2001)	.....	\$	26,061,000
Department of Retirement Systems Expense Account—			

State Appropriation	\$ 25,000
TOTAL APPROPRIATION	\$ 50,939,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$394,000 of the general fund—state appropriation is provided to support the legislature's participation in the redistricting process in conjunction with the redistricting commission.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund—State Appropriation (FY 2000)	\$ 19,749,000
General Fund—State Appropriation (FY 2001)	\$ 21,525,000
Department of Retirement Systems Expense Account—	
State Appropriation	\$ 25,000
TOTAL APPROPRIATION	\$ 41,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 from the general fund—state appropriation for fiscal year 2000 is provided to contract for a study of policies and practices for setting information services rates paid by state agencies. The study shall include an analysis of the effect of current and alternative depreciation policies and schedules on rates and revolving fund balances.

(2) \$25,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(3) \$394,000 of the general fund—state appropriation is provided to support the legislature's participation in the redistricting process in conjunction with the redistricting commission.

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund—State Appropriation (FY 2000)	\$ 1,604,000
General Fund—State Appropriation (FY 2001)	\$ 1,661,000
TOTAL APPROPRIATION	\$ 3,265,000

The appropriations in this section are subject to the following conditions and limitations: \$280,000 of the general fund—state appropriation is provided for conducting a study of the mental health system. The study shall include, but not be limited to:

(1) An analysis of the roles and responsibilities of the division of mental health in the department of social and health services, with regard to regional support networks (RSNs) and community mental health providers;

(2) An analysis of the funding of the RSNs through contracts let by the division of mental health, including the basis for per capita payment rates paid to the regional support networks and any federal requirements related to the federal medicaid waiver under which the current mental health system operates;

(3) An analysis of actual and contractual service levels, outcomes, and costs for RSNs, including the types and hours of services provided, costs of services provided, trends in per client service expenditures, and client outcomes;

(4) An analysis of RSN and subcontractor service and administrative costs, fund balances, contracting practices, client demographics, and outcomes over time;

(5) An analysis of contracts between RSNs and community mental health providers, with emphasis on costs, services, performance, and client outcomes, including any accountability standards, performance measures, data requirements, and sanctions and incentives currently in the contract between the regional support networks and the mental health division; and

(6) Recommendations for modifying the basis on which RSNs and community mental health providers are funded, including a funding formula that will result in a greater relationship of the funding distribution formula to the prevalence of mental illness in each RSN service area, to efficiency as demonstrated by performance measures and to effectiveness as demonstrated by patient outcome.

The joint legislative audit and review committee may contract for consulting services in conducting the study.

The study shall be submitted to the fiscal committees of the legislature by December 1, 2000.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund—State Appropriation (FY 2000)	\$	1,225,000
General Fund—State Appropriation (FY 2001)	\$	1,307,000
Public Works Assistance Account—State		
Appropriation	\$	405,000
TOTAL APPROPRIATION	\$	2,937,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account—

State Appropriation	\$	1,967,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 is provided solely for an actuarial study of local government liabilities for law enforcement officers' and fire fighters' retirement system medical benefits.

(2) The office of the state actuary shall conduct a review of the higher education retirement plans that have been established pursuant to RCW 28B.10.400. The review shall include: (a) An actuarial study pursuant to RCW

28B.10.423 of the level of retirement income which is projected to result from the current level of employer and employee contributions to such plans; and (b) a review of the fiscal and policy implications of expanding part-time faculty eligibility for supplemental retirement allowances. By January 15, 2000, the state actuary shall report his findings to the appropriate committees of the legislature, including recommendations for adjusting contribution rates to meet the requirements of RCW 28B.10.423 and for recommended modifications to the supplemental retirement allowance statutes to address part-time faculty issues.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2000)	\$ 5,847,000
General Fund—State Appropriation (FY 2001)	\$ 5,847,000
TOTAL APPROPRIATION	\$ 11,694,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2000)	\$ 3,508,000
General Fund—State Appropriation (FY 2001)	\$ 3,730,000
TOTAL APPROPRIATION	\$ 7,238,000

NEW SECTION. Sec. 108. FOR THE SUPREME COURT

General Fund—State Appropriation (FY 2000)	\$ 4,837,000
General Fund—State Appropriation (FY 2001)	\$ 5,027,000
TOTAL APPROPRIATION	\$ 9,864,000

NEW SECTION. Sec. 109. FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2000)	\$ 1,834,000
General Fund—State Appropriation (FY 2001)	\$ 1,851,000
TOTAL APPROPRIATION	\$ 3,685,000

NEW SECTION. Sec. 110. FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2000)	\$ 10,946,000
General Fund—State Appropriation (FY 2001)	\$ 11,415,000
TOTAL APPROPRIATION	\$ 22,361,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$338,000 of the general fund—state appropriation for fiscal year 2001 is provided solely for the implementation of Senate Bill No. 5037 (Pierce county court of appeals). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) \$150,000 of the general fund—state appropriation for fiscal year 2000 and \$150,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for providing compensation adjustments to nonjudicial staff of the court of appeals. Within the funds provided in this subsection, the court of appeals shall determine the specific positions to receive compensation adjustments based on recruitment and retention difficulties, new duties or responsibilities assigned, and salary inversion or compression within the court of appeals.

NEW SECTION. Sec. 111. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund—State Appropriation (FY 2000)	\$	904,000
General Fund—State Appropriation (FY 2001)	\$	852,000
TOTAL APPROPRIATION	\$	1,756,000

NEW SECTION. Sec. 112. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2000)	\$	12,114,000
General Fund—State Appropriation (FY 2001)	\$	12,280,000
Public Safety and Education Account—State Appropriation	\$	24,981,000
Judicial Information Systems Account—State Appropriation	\$	17,617,000
TOTAL APPROPRIATION	\$	66,992,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions.

(3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) \$278,000 of the general fund—state appropriation for fiscal year 2000, \$285,000 of the general fund—state appropriation for fiscal year 2001, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$200,000 of the public safety and education account appropriation is provided solely for a unified family court pilot program. Of this amount, \$150,000 is provided for the costs of establishing the program and \$50,000 is provided for

costs associated with evaluating the efficacy of the program. The pilot program grant is limited to the 1999-01 biennium. After this time, it is assumed that funding for continuation of the unified family court or expansion to other counties would be provided by local jurisdictions based on the results of the evaluation of the program.

(7) \$130,000 of the general fund—state appropriation for fiscal year 2000 and \$130,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the new judicial positions authorized by Engrossed Senate Bill No. 5036 (superior court judges).

NEW SECTION. Sec. 113. FOR THE OFFICE OF PUBLIC DEFENSE
Public Safety and Education Account—State

Appropriation \$ 12,440,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$558,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1599 (court funding). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) Amounts provided in this section include funding for investigative services in death penalty personal restraint petitions.

NEW SECTION. Sec. 114. FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2000)	\$ 5,762,000
General Fund—State Appropriation (FY 2001)	\$ 5,720,000
General Fund—Federal Appropriation	\$ 674,000
Water Quality Account—State Appropriation	\$ 700,000
TOTAL APPROPRIATION	\$ 12,856,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,612,000 of the general fund—state appropriation for fiscal year 2000, \$1,588,000 of the general fund—state appropriation for fiscal year 2001, \$700,000 of the water quality account appropriation, and \$209,000 of the general fund—federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$465,000 of the general fund—federal appropriation and \$200,000 of the general fund—state appropriation are provided solely for the salmon recovery office to meet its responsibilities for the state-wide salmon recovery strategy. Of this amount: (a) \$200,000 of the general fund—state appropriation is provided for the operation of the independent science panel; and (b) \$465,000 of the general fund—federal appropriation is provided for the salmon recovery office staff to

support local salmon recovery planning efforts. \$232,500 of the general fund—federal appropriation in this subsection may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(3) \$62,000 of the fiscal year 2000 general fund—state appropriation and \$63,000 of the fiscal year 2001 general fund—state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing the salmon recovery funding board in the office of the governor. If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 115. FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2000)	\$	333,000
General Fund—State Appropriation (FY 2001)	\$	332,000
General Fund—Federal Appropriation	\$	160,000
TOTAL APPROPRIATION	\$	825,000

NEW SECTION. Sec. 116. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2000)	\$	1,724,000
General Fund—State Appropriation (FY 2001)	\$	1,496,000
TOTAL APPROPRIATION	\$	3,220,000

The appropriations in this section are subject to the following conditions and limitations: \$328,000 of the general fund—state appropriation for fiscal year 2000 and \$86,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5931 (electronic filing and public access). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

NEW SECTION. Sec. 117. FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2000)	\$	14,063,000
General Fund—State Appropriation (FY 2001)	\$	8,371,000
General Fund—Private/Local Appropriation	\$	120,000
Archives and Records Management Account—State Appropriation	\$	5,401,000
Archives and Records Management Account—Private/ Local Appropriation	\$	2,581,000
Department of Personnel Service Account—State Appropriation	\$	681,000
TOTAL APPROPRIATION	\$	31,217,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,355,000 of the general fund—state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$3,780,000 of the general fund—state appropriation for fiscal year 2000 is provided solely to reimburse counties for the state's share of presidential preference primary election costs.

(3) \$2,106,000 of the general fund—state appropriation for fiscal year 2000 and \$2,663,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(4) \$125,000 of the general fund—state appropriation for fiscal year 2000 and \$125,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for legal advertising of state measures under RCW 29.27.072.

(5)(a) \$1,870,350 of the general fund—state appropriation for fiscal year 2000 and \$1,907,757 of the general fund—state appropriation for fiscal year 2001 are provided solely for continuing the contract with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance during the 1999-2001 biennium.

(b) The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(6) \$867,000 of the archives and records management account—state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

(7) \$120,000 of the general fund—private/local appropriation is provided solely for the Washington quality awards council.

(8) \$20,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for the operations of the task force on archaeology and historic preservation. The task force shall develop a single recommendation for consideration by the legislature and the governor on the issue of the location of the office of archaeology and historic preservation within state government. The recommended location shall maximize the office of archaeology and historic preservation's stature, visibility, accessibility, and delivery of service state-wide in the context of its critical role as an important link among downtown and neighborhood revitalization efforts, the cultural tourism movement, rural economic development initiatives, and the preservation of the structures and sites that still remain as the legacy of Washington's rich and diverse heritage. The task force shall consider and include in its recommendation how best both to realize the potential of the office of archaeology and historic preservation to generate revenue from services it could provide in international, national, state, local, and private venues and also how best to achieve adequate funding from all funding sources to assure that the office of archaeology and historic preservation can provide the best possible service to the citizens of the state. There shall be eleven members of the task force as follows: One member shall be the state historic preservation officer or his or her designee; two members shall be representatives of state agencies; two members shall be representatives of local governments; there shall be one representative each from the Washington state historical society, the eastern Washington state historical society, the Washington trust for historic preservation, and Indian tribes; and two members shall be representatives of the private sector who have experience in preservation of historic buildings or archaeological sites or who have particular interest in the issue of preservation of historic buildings and archaeological sites. The state historic preservation officer shall be the chair of the task force. The task force shall report to appropriate committees of the legislature and the governor by January 1, 2000.

NEW SECTION. Sec. 118. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2000)	\$	259,000
General Fund—State Appropriation (FY 2001)	\$	261,000
TOTAL APPROPRIATION	\$	520,000

NEW SECTION. Sec. 119. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2000)	\$	215,000
General Fund—State Appropriation (FY 2001)	\$	215,000
TOTAL APPROPRIATION	\$	430,000

**NEW SECTION. Sec. 120. FOR THE STATE TREASURER
State Treasurer's Service Account—State**

Appropriation \$ 13,487,000

NEW SECTION. Sec. 121. FOR THE REDISTRICTING COMMISSION

General Fund—State Appropriation (FY 2001) \$ 496,000

NEW SECTION. Sec. 122. FOR THE STATE AUDITOR

General Fund—State Appropriation (FY 2000) \$ 1,079,000

General Fund—State Appropriation (FY 2001) \$ 1,077,000

State Auditing Services Revolving Account—State

Appropriation \$ 12,728,000

TOTAL APPROPRIATION \$ 14,884,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$420,000 of the general fund appropriation for fiscal year 2000 and \$420,000 of the general fund appropriation for fiscal year 2001 are provided solely for staff and related costs to audit special education programs that exhibit unusual rates of growth, extraordinarily high costs, or other characteristics requiring attention of the state safety net committee, and other school districts for baseline purposes and to determine if there are common errors. The auditor shall consult with the superintendent of public instruction regarding training and other staffing assistance needed to provide expertise to the audit staff.

(3) \$490,000 of the general fund fiscal year 2000 appropriation and \$490,000 of the general fund fiscal year 2001 appropriation are provided solely for staff and related costs to: Verify the accuracy of reported school district data submitted for state funding purposes or program audits of state funded public school programs; and establish the specific amount of funds to be recovered whenever the amount is not firmly established in the course of any public school audits conducted by the state auditor's office. The results of the audits shall be submitted to the superintendent of public instruction for corrections of data and adjustments of funds.

NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2000) \$ 32,000

General Fund—State Appropriation (FY 2001) \$ 118,000

TOTAL APPROPRIATION \$ 150,000

The appropriations in this section are subject to the following conditions and limitations and are sufficient for the commission to: (1) Carry out statutorily required public hearings; (2) enter into an agreement with the department of personnel to provide data sharing, research support, and training for commission

members and staff; (3) employ part-time staff in fiscal year 2000 to respond to requests for information; and (4) begin full-time staffing in September 2000 to allow for orientation and training for commission members prior to the next salary setting cycle. The commission shall work with the department of general administration to reduce its operating costs by colocating with another state agency, and shall report back to the fiscal committees of the legislature by December 15, 1999.

***NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2000)	\$ 3,906,000
General Fund—State Appropriation (FY 2001)	\$ 3,889,000
General Fund—Federal Appropriation	\$ 2,291,000
Public Safety and Education Account—State	
Appropriation	\$ 1,338,000
New Motor Vehicle Arbitration Account—State	
Appropriation	\$ 1,109,000
Legal Services Revolving Account—State	
Appropriation	\$ 117,287,000
TOTAL APPROPRIATION	\$ 129,820,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) The attorney general shall conduct a review of the policies, practices, and guidelines employed by the department of ecology in researching, analyzing, and issuing a certification under the authority of section 401 of the federal water pollution control act amendments of 1972, 22 U.S.C. Sec. 1341 for the proposed regional landfill in Pierce county. The attorney general shall report the findings of the review by December 1, 1999, to the appropriate standing committees of the house of representatives and the senate.

*Sec. 124 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 125. FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2000)	\$	406,000
General Fund—State Appropriation (FY 2001)	\$	404,000
TOTAL APPROPRIATION	\$	810,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS

Securities Regulation Account—State		
Appropriation	\$	6,982,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund—State Appropriation (FY 2000)	\$	72,469,000
General Fund—State Appropriation (FY 2001)	\$	71,387,000
General Fund—Federal Appropriation	\$	153,575,000
General Fund—Private/Local Appropriation	\$	6,918,000
Public Safety and Education Account—State		
Appropriation	\$	8,793,000
Public Works Assistance Account—State		
Appropriation	\$	2,344,000
Building Code Council Account—State		
Appropriation	\$	1,375,000
Administrative Contingency Account—State		
Appropriation	\$	1,776,000
Low-Income Weatherization Assistance Account—State		
Appropriation	\$	3,289,000
Violence Reduction and Drug Enforcement Account—		
State Appropriation	\$	6,051,000
Manufactured Home Installation Training Account—		
State Appropriation	\$	252,000
Washington Housing Trust Account—State		
Appropriation	\$	4,685,000
Public Facility Construction Loan Revolving		
Account—State Appropriation	\$	522,000
TOTAL APPROPRIATION	\$	333,436,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,962,500 of the general fund—state appropriation for fiscal year 2000 and \$3,602,500 of the general fund—state appropriation for fiscal year 2001 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate

nor increases in other indirect charges above the absolute amount paid during the 1995-97 biennium.

(2) \$61,000 of the general fund—state appropriation for fiscal year 2000 and \$62,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item DCTED-01.

(3) \$11,893,320 of the general fund—federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2000 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,552,800 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$240,000 to the department for grants to support tribal law enforcement needs;

(e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington for the implementation of sections 7 through 10 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing);

(f) \$312,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$200,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) \$667,075 to the department to continue domestic violence legal advocacy;

(i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) \$91,000 to the department to continue the governor's council on substance abuse;

(k) \$99,000 to the department to continue evaluation of Byrne formula grant programs;

(l) \$1,519,244 to the office of financial management for criminal history records improvement;

(m) \$804,400 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs;

(n) \$290,000 to the Washington state patrol solely for costs associated with the supervision, coordination, and reimbursement for local law enforcement officers' participation in the task force on missing and exploited children established by Second Substitute Senate Bill No. 5108 (missing/exploited

children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2000 and \$500,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the tourism office to increase rural tourism development, consumer marketing, and international marketing.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2000 and \$500,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for a grant program to help communities design and carry out rural economic development projects.

(6) \$1,250,000 of the general fund—state appropriation for fiscal year 2000, and \$1,250,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

(7) \$2,500,000 of the general fund—state appropriation for fiscal year 2000 and \$2,500,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

(8) \$1,250,000 of the general fund—state appropriation for fiscal year 2000 and \$1,250,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for consolidated emergency assistance to homeless families with children.

(9) \$50,000 of the general fund—state appropriation for fiscal year 2000 is provided solely to develop a plan for a system for collecting reliable and accurate data on homeless persons. The plan shall provide at least two approaches based on a range of possible budgets. The plan shall be provided to the governor's office and the legislative fiscal committees no later than November 1, 1999.

(10) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

(11) \$160,000 of the public works assistance account appropriation is solely for providing technical assistance to local communities that are developing the infrastructure needed to support the development of housing for farmworkers.

(12) \$205,000 of the general fund—state appropriation for fiscal year 2000 and \$205,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county, and \$20,000 is provided for Clark county.

(13) \$500,000 of the general fund—state fiscal year 2000 appropriation and \$500,000 of the general fund—state fiscal year 2001 appropriation are provided solely for grants to Grays Harbor county as lead agency to support local coastal erosion activities and partnership with state and federal agencies in the southwest Washington coastal erosion study.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2000 and \$1,000,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for grants to food banks and food distribution centers. At least \$65,000 of the amount provided in each fiscal year shall be utilized for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(15) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the establishment of state trade office activity in South Korea.

(16) \$698,000 of the general fund—state appropriation for fiscal year 2000, \$698,000 of the general fund—state appropriation for fiscal year 2001, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations.

(17) \$220,000 of the general fund—state appropriation for fiscal year 2000 and \$90,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5693 (developmental disabilities endowment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(18) \$970,000 of the general fund—state appropriation for fiscal year 2000 is provided solely as a grant to the Washington council on international trade as partial support for the 1999 world trade organization meeting.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for a grant to Pierce county to construct a joint state/county recreation facility on state property in the South Hill area near Puyallup. The grant provided in this subsection is contingent upon an agreement that the county will assume full maintenance and operation of the facility.

(20) \$22,000 of the general fund—state appropriation for fiscal year 2000 and \$22,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the department's role in implementing Engrossed Second Substitute House Bill No. 1493 (homeless children and families). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(21) \$250,000 of the general fund—state appropriation for fiscal year 2000 is provided solely to support the spirit 2000 millennium celebration project.

(22) \$20,000 of the general fund—state appropriation for fiscal year 2000 is provided solely to assist the Tri-Cities cultural arts center to develop a plan to bring the arts to eastern Washington.

(23) \$125,000 of the general fund—state appropriation for fiscal year 2000 and \$125,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to increase the number of trained volunteer long-term care ombudsmen available to serve elderly or disabled residents living in licensed boarding homes and adult family homes.

(24) \$150,000 of the general fund—state appropriation for fiscal year 2000 is provided solely as a grant to preserve the Mukai farm and garden.

(25) \$21,000 of the general fund—state appropriation for fiscal year 2000 is provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local government funds.

(26) \$500,000 of the general fund—state appropriation for fiscal year 2000 and \$500,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to increase the number of children served by a court-appointed special volunteer advocate guardian ad litem in dependency proceedings. The funds shall be distributed by the department to local and state court-appointed special advocate programs based on the number of children without volunteer court-appointed special advocate representation.

(27) \$1,125,000 of the general fund—state appropriation for fiscal year 2000 and \$1,125,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for King county for the purpose of local public health. The amounts in this subsection shall be deposited into the county public health account.

(28) \$1,157,000 of the general fund—state appropriation for fiscal year 2000 and \$1,723,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the Spokane intercollegiate research and technology institute.

NEW SECTION. Sec. 128. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2000)	\$	471,000
General Fund—State Appropriation (FY 2001)	\$	476,000
TOTAL APPROPRIATION	\$	947,000

NEW SECTION. Sec. 129. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2000)	\$	12,791,000
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General Fund—State Appropriation (FY 2001)	\$ 11,855,000
General Fund—Federal Appropriation	\$ 23,340,000
General Fund—Private/Local Appropriation	\$ 500,000
TOTAL APPROPRIATION	\$ 48,486,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2000 is provided solely to evaluate and promote the use by state and local agencies of the training facilities at the Hanford reservation.

(2) Funding in this section provides for a feasibility study to collect Washington enrollment data on distance learning programs sponsored by in-state and out-of-state private institutions in cooperation with the higher education coordinating board and the state board for community and technical colleges. Findings shall be submitted to the appropriate committees of the legislature by January 2000.

(3) \$75,000 of the fiscal year 2000 general fund—state appropriation and \$75,000 of the fiscal year 2001 general fund—state appropriation are provided solely to track and administer state and federal funding for salmon recovery allocated by the salmon recovery funding board established under Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079.

(4) The office of financial management, in collaboration with the institutions of higher education, the higher education coordinating board, and the state board for community and technical colleges, shall modify state information systems in order to provide consistent data on students engaged in distance learning. Higher education institutions shall provide enrollment information in support of this effort. Reporting on the numbers and categories of students enrolled in distance learning by class level and institutions shall begin by fall term, 2000. Washington independent institutions of higher education are encouraged to participate in this process and to provide distance learner enrollment data.

(5) \$1,000,000 of the general fund—state appropriation and \$500,000 of the general fund—private/local appropriation are provided solely for the commission on early learning. One-half of the amount provided from the general fund—state shall not be expended unless matched by an equal amount from private sources.

NEW SECTION. Sec. 130. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account—State

Appropriation	\$ 20,749,000
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NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account—State

Appropriation	\$ 16,999,000
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Higher Education Personnel Services Account—State

Appropriation	\$ 1,640,000
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TOTAL APPROPRIATION \$ 18,639,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall reduce its charge for personnel services to the lowest rate possible.

(2) The department of personnel service account appropriation contains sufficient funds to continue the employee exchange program with the Hyogo prefecture in Japan.

(3) \$515,000 of the department of personnel service account appropriation is provided solely for the development and implementation of a new employment application processing system to: Provide for electronic applications via the internet, provide continuous application acceptance, provide increased public access to job openings, allow for single applications for multiple jobs, and provide for scanning of larger applicant databases as job openings arise.

(4) \$190,000 of the department of personnel service account appropriation is provided solely for the expansion of the executive fellowship program.

(5) \$108,000 of the department of personnel service account appropriation is provided solely for increased funding of the administrative expenses of the combined fund drive.

(6) \$52,000 of the department of personnel service account appropriation is provided solely to implement House Bill No. 5432 (retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(7) The department of personnel has the authority to charge agencies for expenses associated with converting its payroll/personnel computer system to accommodate the year 2000 date change. Funding to cover these expenses shall be realized from the agency FICA savings associated with the pretax benefits contributions plan.

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State

Appropriation \$ 21,127,000

NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2000) \$ 216,000

General Fund—State Appropriation (FY 2001) \$ 225,000

TOTAL APPROPRIATION \$ 441,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2000) \$ 190,000

General Fund—State Appropriation (FY 2001) \$ 188,000

TOTAL APPROPRIATION \$ 378,000

NEW SECTION. Sec. 135. FOR THE PERSONNEL APPEALS BOARD
 Department of Personnel Service Account—State
 Appropriation \$ 1,602,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS
 Dependent Care Administrative Account—State
 Appropriation \$ 361,000
 Department of Retirement Systems Expense Account—
 State Appropriation \$ 41,182,000
TOTAL APPROPRIATION \$ 41,543,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$92,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5030 (Washington state patrol surviving spouse retirement). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(2) \$259,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1024 (retirement system option). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 6012 (investment board fund values). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$22,000 of the department of retirement systems expense account appropriation is provided solely to implement Senate Bill No. 5432 (PERS retiree charitable deductions). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$50,000 of the department of retirement systems expense account appropriation is provided solely for the department to prepare and distribute to state employees information about options under the federal tax code for tax-advantaged retirement savings.

(6) \$3,731,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(7) The department shall adjust the retirement systems administrative rate during the 1999-2001 biennium as necessary to provide for law enforcement officers' and fire fighters' retirement system employer funding for a study of LEOFF plan 1 medical liabilities by the office of the state actuary.

NEW SECTION. Sec. 137. FOR THE STATE INVESTMENT BOARD
 State Investment Board Expense Account—State

Appropriation	\$ 10,519,000
NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF REVENUE	
General Fund—State Appropriation (FY 2000)	\$ 69,998,000
General Fund—State Appropriation (FY 2001)	\$ 68,171,000
Timber Tax Distribution Account—State	
Appropriation	\$ 4,893,000
Waste Education/Recycling/Litter Control—State	
Appropriation	\$ 101,000
State Toxics Control Account—State	
Appropriation	\$ 67,000
Oil Spill Administration Account—State	
Appropriation	\$ 14,000
TOTAL APPROPRIATION	\$ 143,244,000

The appropriations in this section are subject to the following conditions and limitations: The department of revenue shall conduct a study and prepare a report of current state and local taxation of the electricity industry and options for changes to avoid revenue loss, promote competitive neutrality, and encourage economic development within the electricity industry. The study shall include an analysis of the following: (1) Current state and local taxation of the wholesale and retail electricity industry, including tax incidence, rate, base, collection, and allocation of taxes; (2) trends in the wholesale and retail electricity markets affecting current and future revenue streams, including power imports and exports by in-state and out-of-state suppliers; (3) The extent to which existing state and local tax laws may be insufficient to protect revenue streams in light of identifiable wholesale and retail market changes; and (4) whether the tax code is adequate to fairly tax new participants in the market such as brokers, marketers, aggregators, and traders. The department shall conduct the study with support from the utilities and transportation commission, the energy division of the department of community, trade, and economic development, and the state auditor. The department shall consult with energy utilities, retail electric customers, local governments, independent power producers, brokers, marketers, traders, other interested parties, and the chairs and ranking minority members of the committees of the senate and the house of representatives with jurisdiction over electricity issues periodically throughout the course of the study, and shall submit its report to the legislature and the governor by December 1, 1999.

NEW SECTION. Sec. 139. FOR THE BOARD OF TAX APPEALS	
General Fund—State Appropriation (FY 2000)	\$ 920,000
General Fund—State Appropriation (FY 2001)	\$ 936,000
TOTAL APPROPRIATION	\$ 1,856,000

NEW SECTION. Sec. 140. FOR THE MUNICIPAL RESEARCH COUNCIL	
General Fund—State Appropriation (FY 2000)	\$ 1,766,000

General Fund—State Appropriation (FY 2001)	\$	1,822,000
County Research Services Account—State		
Appropriation	\$	681,000
TOTAL APPROPRIATION	\$	4,269,000

NEW SECTION. Sec. 141. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account—State		
Appropriation	\$	2,546,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund—State Appropriation (FY 2000)	\$	279,000
General Fund—State Appropriation (FY 2001)	\$	279,000
General Fund—Federal Appropriation	\$	2,116,000
General Fund—Private/Local Appropriation	\$	417,000
Air Pollution Control Account—State		
Appropriation	\$	379,000
General Administration Service Account—State		
Appropriation	\$	43,976,000
Energy Efficiency Services Account—State		
Appropriation	\$	199,000
TOTAL APPROPRIATION	\$	47,645,000

The appropriations in this section are subject to the following conditions and limitations: The department shall develop an allocation method for tort defense costs with the office of the attorney general and selected agency representatives. A report shall be submitted to the office of financial management and the fiscal committees of the house of representatives and the senate by June 30, 2000, on how the agencies will be billed for their tort defense services from the liability account. If Substitute House Bill No. 2111 (consolidates tort activities) is not enacted by June 30, 1999, this subsection shall lapse.

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account—State		
Appropriation	\$	3,605,000
K-20 Technology Account—State Appropriation	\$	7,400,000
TOTAL APPROPRIATION	\$	11,005,000

The appropriations in this section are subject to the following conditions and limitations: \$7,400,000 of the K-20 technology account appropriation is provided solely for the completion of the K-20 network development plan through phase 2.

NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER

General Fund—Federal Appropriation	\$	304,000
Insurance Commissioners Regulatory Account—State		
Appropriation	\$	24,738,000

TOTAL APPROPRIATION \$ 25,042,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the insurance commissioner's regulatory account appropriation is provided solely for funding agreements with insurance companies, to counsel policyholders and administer the liquidation of insurance companies.

(2) \$730,000 of the insurance commissioner's regulatory account appropriation is provided solely for performing market conduct exams on life and annuity policies.

(3) \$306,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5509 (Holocaust insurance enforcement). Expenditures from this amount shall not exceed regulatory revenues received under the bill. If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY
Certified Public Accountants' Account—State

Appropriation \$ 1,119,000

NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account—State

Appropriation \$ 272,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION
Horse Racing Commission Account—State

Appropriation \$ 4,579,000

NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD

General Fund—State Appropriation (FY 2000) \$ 1,293,000

General Fund—State Appropriation (FY 2001) \$ 1,284,000

Liquor Control Board Construction and Maintenance

Account—State Appropriation \$ 8,013,000

Liquor Revolving Account—State Appropriation \$ 129,361,000

TOTAL APPROPRIATION \$ 139,951,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,804,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this

subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$105,000 of the liquor revolving account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5712 (motel liquor licenses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$300,000 of the liquor revolving account appropriation is provided solely for the board to develop a business plan. The board shall provide copies of the plan to the office of financial management and the fiscal committees of the legislature by September 30, 1999.

NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account—State

Appropriation \$ 25,966,000

Public Service Revolving Account—Federal

Appropriation \$ 652,000

TOTAL APPROPRIATION \$ 26,618,000

The appropriations in this section are subject to the following conditions and limitations: \$48,000 of the public service revolving account—state appropriation is provided solely for a study of costs incurred by electric, natural gas, telecommunications, and water utilities and railroads, except railroads owned and operated by the state and municipal corporations, for the placement of new and existing utilities facilities within railroad rights-of-way. The commission shall: (1) identify all expenses that are directly incurred by railroads to permit the safe construction and maintenance of utility facilities within the railroad right-of-way, including costs related to administering the issuance of a permit, inspecting construction, and flagging construction for safety; (2) identify any extraordinary expenses which may be incurred by utilities and railroads as a result of utility facilities being located within the railroad right-of-way, including costs related to emergency response; (3) examine the amount and scope of insurance that may be necessary for utilities and railroads to cover risks associated with railroad property and utility facilities located within the railroad right-of-way; (4) compare and analyze different methods used or that could be used, for the purposes of determining compensation paid by utilities, to value railroad right-of-way property on which utility facilities are located; (5) compare and analyze how terms, conditions, and fees imposed by railroads upon utilities for placing utility facilities within the railroad right-of-way have changed over time; and (6) make any recommendations it deems pertinent based upon its findings. The commission shall consult with the chairs and ranking minority members of the senate energy, technology, and telecommunications committee and the house or representatives technology, telecommunications, and energy committee throughout the course of study and shall submit its report to the legislature and the governor by December 1, 1999.

NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' Relief and Pension Administrative
 Account—State Appropriation \$ 573,000

NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2000) \$ 18,568,000
 General Fund—State Appropriation (FY 2001) \$ 8,264,000
 General Fund—Federal Appropriation \$ 22,148,000
 General Fund—Private/Local Appropriation \$ 238,000
 Enhanced 911 Account—State Appropriation \$ 16,491,000
 Disaster Response Account—State Appropriation \$ 18,970,000
 Disaster Response Account—Federal Appropriation \$ 94,733,000
 Worker and Community Right to Know Fund—State
 Appropriation \$ 285,000
TOTAL APPROPRIATION \$ 179,697,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,174,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for deposit in the disaster response account to cover costs pursuant to subsection (2) of this section.

(2) \$18,970,000 of the disaster response account—state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods), FEMA disaster 1252 (1998 northeast counties floods), and FEMA disaster 1255 (Kelso landslide). The military department is to submit a report quarterly to the office of financial management and the fiscal committees of the house of representatives and senate detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information is to be displayed by individual disaster, by fund, and by type of assistance.

(3) \$75,000 of the general fund—state fiscal year 2000 appropriation and \$75,000 of the general fund—state fiscal year 2001 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$35,000 of the general fund—state fiscal year 2000 appropriation and \$35,000 of the general fund—state fiscal year 2001 appropriation are provided solely for the north county emergency medical service.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2000)	\$ 2,034,000
General Fund—State Appropriation (FY 2001)	\$ 2,032,000
TOTAL APPROPRIATION	\$ 4,066,000

NEW SECTION. Sec. 153. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund—State Appropriation (FY 2000)	\$ 1,419,000
General Fund—State Appropriation (FY 2001)	\$ 1,380,000
TOTAL APPROPRIATION	\$ 2,799,000

NEW SECTION. Sec. 154. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Operating Account—	
State Appropriation	\$ 29,963,000

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified herein.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund—State Appropriation (FY 2000)	\$ 207,273,000
General Fund—State Appropriation (FY 2001)	\$ 223,208,000
General Fund—Federal Appropriation	\$ 337,357,000
General Fund—Private/Local Appropriation	\$ 400,000
Violence Reduction and Drug Enforcement Account—	
State Appropriation	\$ 4,194,000
TOTAL APPROPRIATION	\$ 772,432,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$594,000 of the general fund—state appropriation for fiscal year 2000, \$1,964,000 of the general fund—state appropriation for fiscal year 2001, and \$195,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 5557 (the HOPE act) or sections 10 through 29 of Engrossed Second Substitute House Bill No. 1493. If neither bill is enacted by June 30, 1999, the funds shall be provided for:

(a) The department to contract for 10 temporary residential placements, for up to 30 days, for youth by June 30, 2000, and for 29 temporary residential placements for youth by June 30, 2001. These youth shall be sixteen to eighteen years old who are dependents of the state, and who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan of care does not include return to home or family reunification. The department shall contact the missing children's clearinghouse regarding these youth. The department may approve placements for fourteen and fifteen-year olds who also meet these criteria. Youth who receive these placements may receive one or more of the following services: Educational services, vocational training, job readiness assistance, job search assistance, chemical dependency treatment, and counseling; and

(b) For the department to contract for 10 residential placements for dependent youth by June 30, 2000, and for 29 residential placements for youth by June 30, 2001. These youth shall be aged sixteen through eighteen who live outdoors or in unsafe locations not intended for occupancy by a minor, and whose permanency plan does not include return to home or family reunification. These placements may be available to youth up to eighteen years of age. Youth who receive these placements shall receive training related to one or more of the following: Basic education, employment, money management and other skills that will assist the youth in developing independent living skills.

(2) \$2,745,000 of the fiscal year 2000 general fund—state appropriation, \$2,745,000 of the fiscal year 2001 general fund—state appropriation, and \$1,944,000 of the general fund—federal appropriation are provided for the category of services titled "intensive family preservation services."

(3) \$670,925 of the general fund—state fiscal year 2000 appropriation and \$670,925 of the general fund—state fiscal year 2001 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall

provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(4) \$513,000 of the general fund—state fiscal year 2000 appropriation and \$513,000 of the general fund—state fiscal year 2001 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(5) \$3,440,000 of the general fund—state appropriation for fiscal year 2000 and \$3,441,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per petition processing costs nor shall it penalize counties with lower than average per petition processing costs.

(6) Each quarter during the 1999-01 fiscal biennium, each county shall report the number of petitions processed and the total costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(7) \$2,311,000 of the fiscal year 2000 general fund—state appropriation, \$2,370,000 of the fiscal year 2001 general fund—state appropriation, and \$4,182,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks.

(8) \$90,000 of the general fund—state appropriation for fiscal year 2000, \$91,000 of the general fund—state appropriation for fiscal year 2001, and \$64,000

of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1619 (foster parent reimbursements). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(9) \$121,000 of the general fund—state appropriation for fiscal year 2000, \$101,000 of the general fund—state appropriation for fiscal year 2001, and \$80,000 of the general fund—federal appropriation are provided solely for the implementation of Substitute House Bill No. 1668 (foster parent training). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(10) \$213,000 of the general fund—state appropriation for fiscal year 2000, \$93,000 of the general fund—state appropriation for fiscal year 2001, and \$78,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2000)	\$ 32,816,000
General Fund—State Appropriation (FY 2001)	\$ 34,094,000
General Fund—Federal Appropriation	\$ 8,072,000
General Fund—Private/Local Appropriation	\$ 380,000
Juvenile Accountability Incentive Account—Federal Appropriation	\$ 5,427,000
Violence Reduction and Drug Enforcement Account— State Appropriation	\$ 21,034,000
TOTAL APPROPRIATION	\$ 101,823,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$666,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(b) \$5,742,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(c) \$1,161,000 of the general fund—state appropriation for fiscal year 2000, \$1,162,000 of the general fund—state appropriation for fiscal year 2001, \$5,000,000 of the violence reduction and drug enforcement account appropriation, and \$177,000 of the juvenile accountability incentive account—federal appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(d) \$2,507,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(e) \$100,000 of the general fund—state appropriation for fiscal year 2000 and \$100,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(f) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(g) \$75,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for a contract for expanded services of the teamchild project.

(h) \$75,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for the Skagit county delinquency prevention project.

(i) \$350,000 of the general fund—state appropriation for fiscal year 2000, \$735,000 of the general fund—state appropriation for fiscal year 2001, \$229,000 of the general fund—federal appropriation, and \$673,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(j) \$1,191,000 of the general fund—state appropriation for fiscal year 2000, \$1,191,000 of the general fund—state appropriation for fiscal year 2001 and \$356,000 of the general fund—federal appropriation are provided solely for parole services for lower risk youth. No later than January 1, 2001, the Washington state institute for public policy shall report to the legislature on the outcomes of low and

moderate risk juvenile rehabilitation administration offenders who were released without supervision compared to those who were released with supervision. The study shall compare both the recidivism rates as well as the nature of any new criminal offenses each group commits. The legislature shall consider the results of this study in making any decision to continue or revise parole services for this group of offenders.

(k) \$16,000 of the general fund—state appropriation for fiscal year 2000 and \$16,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5214 (firearms on school property). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse. The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of Substitute Senate Bill No. 5214 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2000)	\$ 47,599,000
General Fund—State Appropriation (FY 2001)	\$ 48,799,000
General Fund—Private/Local Appropriation	\$ 740,000
Violence Reduction and Drug Enforcement Account—	
State Appropriation	\$ 15,282,000
TOTAL APPROPRIATION	\$ 112,420,000

The appropriations in this subsection are subject to the following conditions and limitations: \$37,000 of the general fund—state appropriation for fiscal year 2000 and \$74,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted service providers. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2000)	\$ 1,419,000
General Fund—State Appropriation (FY 2001)	\$ 1,418,000
General Fund—Federal Appropriation	\$ 320,000
Juvenile Accountability Incentive Account—Federal	
Appropriation	\$ 1,100,000
Violence Reduction and Drug Enforcement Account—	
State Appropriation	\$ 421,000
TOTAL APPROPRIATION	\$ 4,678,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE VIOLENCE PREVENTION GRANTS. \$900,000 from the state general fund for fiscal year 2000 and \$900,000 from the state general fund for fiscal year 2001 are appropriated to the department of social and health services, juvenile rehabilitation administration, community services program, solely to implement the juvenile violence prevention grant

program in this section. Administrative costs may not exceed 10 percent of the state appropriations made in this section. State funds shall not be used to pay any administrative costs associated with federal programs. In addition to these amounts, any funding provided under the federal Byrne grant program specifically for youth violence prevention shall be included in this grant program. If any provisions of this section conflict with federal statutes or rules, those federal statutes or rules shall govern and any conflicting provisions of this section shall not apply to Byrne grant programs. To the extent practicable under federal statutes and rules, federal office of juvenile justice and delinquency prevention funds shall also be included in the grant program.

The governor's juvenile justice advisory committee shall administer the grant program created under this section.

- (1) All grant applications shall:
 - (a) Identify the program or proposed program;
 - (b) Identify the entity or organization proposing the program. Eligible organizations include, but are not limited to, nonprofit, civic and charitable organizations, local governments, tribes, and community networks;
 - (c) Include a plan for expenditure of the funds, including specifying what percentage of the grant will be spent on administration and evaluation costs; and
 - (d) Include a plan to analyze the effectiveness of the program.
- (2) A program is eligible for a grant under this section only if the program:
 - (a) Is designed to reduce conditions associated with the entry of youth into the juvenile justice system;
 - (b) Is a new program or replicates in another location an existing program that meets the criteria of this section;
 - (c) Is based on research that supports the program's effectiveness in reducing the targeted populations risk for delinquency;
 - (d) Has community support and is community-based;
 - (e) Will be used for prevention of juvenile crime and not as a disposition or confinement option for adjudicated or diverted juvenile offenders. This restriction shall not preclude serving juveniles who have been adjudicated or diverted prior to participation in the program or who are diverted or adjudicated during participation in the program; and
 - (f) Is in addition to any other state or locally funded juvenile violence deterrence program and will not supplant existing federal, state, or local funds. However, if a program is no longer eligible for federal, state, or local funds, funding provided in this section may supplant that lost federal, state, or local funding.
- (3) To encourage local ownership of youth violence deterrence programs, grants awarded by the committee under this section shall:
 - (a) Have a duration of up to one year, with renewal options based on availability of funding and the achievement of outcomes; and

(b) Not exceed more than seventy-five percent of the total estimated cost of a program. Entities or organizations applying for grants under this section must demonstrate that at least twenty-five percent of the cost of the program will be funded from nonstate moneys.

(4) To encourage grant applications, the committee shall simplify the grant application process to the greatest extent possible.

(5) The committee may require that a percentage of the expenditures for a grant be spent to evaluate the program's effectiveness. The committee may also require that the evaluation be conducted by individuals or organizations that are not participating in the program.

(6) A review team is established to make recommendations to the governor's juvenile justice advisory committee on the funding of grants made under this section.

(a) The review team shall consist of no more than fifteen persons appointed by the committee. Appointees must represent the state's geographic and cultural diversity and must have demonstrated an interest in juvenile violence and its prevention. The review team shall include representatives from entities that disperse funds targeted at youth, including, but not limited to, the office of the superintendent of public instruction, the office of crime victims advocacy, the family policy council, the department of health, the Washington council for the prevention of child abuse and neglect, and the division of alcohol and substance abuse within the department of social and health services.

(b) The review team shall provide an opportunity for review by the appropriate community health and public safety network or networks. The review team shall receive and consider input from those networks.

(c) Review team members are eligible for reimbursement of expenses under RCW 43.03.050 and 43.03.060.

***NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund—State Appropriation (FY 2000)	\$ 166,271,000
General Fund—State Appropriation (FY 2001)	\$ 174,541,000
General Fund—Federal Appropriation	\$ 306,547,000
General Fund—Local Appropriation	\$ 1,827,000
TOTAL APPROPRIATION	\$ 649,186,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund—state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund—state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks

reimburse the aging and adult services program for the general fund—state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$600,000 of the general fund—state appropriation for fiscal year 2000 and \$616,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to directly reimburse eligible providers for the medicaid share of mental health services provided to persons eligible for both medicaid and medicare.

(d) \$64,000 of the general fund—state appropriation for fiscal year 2000 and \$150,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for regional support networks to participate in prerelease treatment planning and to conduct involuntary commitment evaluations, as required by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(e) \$5,000 of the general fund—state appropriation for fiscal year 2000 and \$466,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for case management and other community support services, as authorized by Substitute Senate Bill No. 5011 (mentally ill offenders). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a pilot project demonstrating new and collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of WAC 275-57. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; (ii) protocols, guidelines, and handbooks suitable for use by other school districts and regional support networks seeking to replicate the pilot project's approach; and (iii) intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) \$47,000 of the general fund—state appropriation for fiscal year 2000 and \$47,000 of the general fund—state appropriation for fiscal year 2001 are provided for implementation of Substitute Senate Bill No. 5214 (firearms on school premises). If the bill is not enacted by June 30, 1999, the amounts provided shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2000)	.....	\$	69,946,000
General Fund—State Appropriation (FY 2001)	.....	\$	69,932,000

General Fund—Federal Appropriation	\$ 138,825,000
General Fund—Private/Local Appropriation	\$ 29,456,000
TOTAL APPROPRIATION	\$ 308,159,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall use general fund—local appropriations in this subsection to establish a third-party revenue incentive pool, which shall be used for staff-initiated projects which will increase the quality of care at the state hospitals. For fiscal year 2000, the incentive pool shall be (i) the first \$200,000 by which revenues from third-party payers exceed \$27,800,000; and (ii) fifty percent of any amounts beyond \$28,000,000, up to a maximum of \$500,000. For fiscal year 2001, the incentive pool shall be (iii) the first \$350,000 by which third-party revenues exceed \$29,050,000; and (iv) fifty percent of any amounts beyond \$29,400,000, up to a maximum of \$700,000. For purposes of this subsection, "third-party revenues" does not include disproportionate share hospital payments. The department may establish separate incentive pools for each hospital. The department may also divide the annual revenue target into quarterly goals, and make funds available from the incentive pool on a quarterly basis.

(3) CIVIL COMMITMENT

General Fund—State Appropriation (FY 2000)	\$ 8,665,000
General Fund—State Appropriation (FY 2001)	\$ 9,524,000
TOTAL APPROPRIATION	\$ 18,189,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall report to the fiscal committees of the legislature by October 1, 1999, on plans for increasing the efficiency of staffing patterns at the civil commitment center sufficiently to operate within authorized staffing and expenditure levels.

(b) In consultation with the attorney general, the courts, prosecutors, and public defenders, the department shall implement strategies for assuring that the average costs of civil commitment trials and of annual court reviews do not exceed approximately \$44,000 and \$17,000, respectively. If such cost-control strategies are not in place by January 1, 2000, the department shall begin paying 85 percent rather than 100 percent of allowable billed charges, effective that date, for all legal-related billings except those by the attorney general.

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2000)	\$ 444,000
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General Fund—State Appropriation (FY 2001)	\$	443,000
General Fund—Federal Appropriation	\$	3,282,000
TOTAL APPROPRIATION	\$	4,169,000

(5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2000)	\$	2,612,000
General Fund—State Appropriation (FY 2001)	\$	2,706,000
General Fund—Federal Appropriation	\$	3,227,000
TOTAL APPROPRIATION	\$	8,545,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) By December 1, 1999, the department shall provide the fiscal committees of the legislature with an independent assessment of options for increasing the efficiency and effectiveness of current systems and organizational structures for billing third-party payers for hospital services.

(b) \$100,000 of the general fund—state appropriation for fiscal year 2000, \$100,000 of the general fund—state appropriation for fiscal year 2001, and \$120,000 of the general fund federal appropriation are provided solely for the institute for public policy to evaluate the impacts of Substitute Senate Bill No. 5011 (mentally ill offenders), and of chapter 297, Laws of 1998 (commitment of mentally ill persons). If Substitute Senate Bill No. 5011 is not enacted by June 30, 1999, one-half of each of these amounts shall lapse.

*Sec. 205 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2000)	\$	183,530,000
General Fund—State Appropriation (FY 2001)	\$	197,412,000
General Fund—Federal Appropriation	\$	319,962,000
Health Services Account—State Appropriation	\$	262,000
TOTAL APPROPRIATION	\$	701,166,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$127,000 of the general fund—federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$3,100,000 of the general fund—state appropriation for fiscal year 2000, \$4,650,000 of the general fund—state appropriation for fiscal year 2001, and \$8,250,000 of the general fund—federal appropriation are provided solely to increase services and supports for people with developmental disabilities. These funds shall be expended in accordance with priorities established by the stakeholder advisory group established in accordance with chapter 216, Laws of 1998 (developmental disabilities), except that (i) at least 60 percent of these amounts must be used to increase the number of people receiving residential, employment, family support, or other direct services; (ii) the services and supports must be designed and implemented such that the cost of continuing them in the 2001-03 biennium does not exceed \$19.2 million, of which no more than \$9.3 million is from state funds; and (iii) strong consideration shall be given to the need for increased wages for direct care workers in contracted residential programs.

(c) \$413,000 of the general fund—state appropriation for fiscal year 2000, \$1,172,000 of the general fund—state appropriation for fiscal year 2001, and \$694,000 of the general fund—federal appropriation are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1999 or 2000.

(d) \$1,919,000 of the general fund—state appropriation for fiscal year 2000, \$2,892,000 of the general fund—state appropriation for fiscal year 2001, and \$4,992,000 of the general fund—federal appropriation are provided solely for alternatives for persons who would otherwise be at substantial risk of state psychiatric hospitalization. The department shall use these funds and other resources appropriated in this section and in section 205(1) of this act to assure that the average number of persons with developmental disabilities in the state hospitals does not exceed sixty-six per day during the first biennial quarter; sixty per day during the second; fifty-four per day during the third; and forty-eight per day during the final quarter of the 1999-2001 biennium. The developmental disabilities program shall transfer \$285 of the general fund—state appropriation to the mental health program for each bed-day by which these quarterly targets are exceeded.

(e) \$513,000 of the general fund—state appropriation for fiscal year 2000, \$1,421,000 of the general fund—state appropriation for fiscal year 2001, and \$2,033,000 of the general fund—federal appropriation are provided to develop and operate secure residential and day program placements for persons who seem likely to pose a significant risk to the public safety if their current residential arrangement were to continue.

(f) \$209,000 of the general fund—state appropriation for fiscal year 2000, \$664,000 of the general fund—state appropriation for fiscal year 2001, and \$939,000 of the general fund—federal appropriation are provided to increase wages as required by Initiative No. 688 (state minimum wage) for contracted adult family homes, adult residential care facilities, hourly and daily family support providers, and hourly attendant care providers.

(g) \$1,978,000 of the general fund—state appropriation for fiscal year 2000, \$4,475,000 of the general fund—state appropriation for fiscal year 2001, and \$6,989,000 of the general fund—federal appropriation are provided solely to increase compensation for individual and agency home care workers. Payments to individual providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to be increased to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) Within amounts appropriated in this subsection, the developmental disabilities program shall contract for a pilot program to test an alternative service delivery model for persons with autism. The department must use a competitive process to determine the site of the pilot. The pilot program must be time-limited and subject to an evaluation of client outcomes to determine the effectiveness and efficiency of the pilot program compared to the standard service model for persons with autism.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2000)	\$	66,076,000
General Fund—State Appropriation (FY 2001)	\$	66,184,000
General Fund—Federal Appropriation	\$	147,776,000
General Fund—Private/Local Appropriation	\$	10,227,000
TOTAL APPROPRIATION	\$	290,263,000

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2000)	\$	2,431,000
General Fund—State Appropriation (FY 2001)	\$	2,435,000
General Fund—Federal Appropriation	\$	2,080,000
TOTAL APPROPRIATION	\$	6,946,000

(4) SPECIAL PROJECTS

General Fund—Federal Appropriation	\$	12,007,000
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NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 2000)	\$	451,758,000
General Fund—State Appropriation (FY 2001)	\$	476,187,000
General Fund—Federal Appropriation	\$	1,000,701,000
General Fund—Private/Local Appropriation	\$	4,274,000
Health Services Account—State Appropriation	\$	2,104,000
TOTAL APPROPRIATION	\$	1,935,024,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$2,118,000 of the general fund—federal appropriation, \$923,000 of the general fund—state appropriation for fiscal year 2000, and \$958,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,640,000 of the general fund—state appropriation for fiscal year 2000 and \$1,640,000 of the general fund—state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than \$10.36 for the capital portion of the rate and no more than \$108.20 for the noncapital portion of the rate. For fiscal year 2001, the weighted average nursing facility payment rate shall be no more than \$10.57 for the capital portion of the rate and no more than \$110.91 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

(4) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(5) \$6,264,000 of the general fund—state appropriation for fiscal year 2000, \$13,860,000 of the general fund—state appropriation for fiscal year 2001, and \$21,795,000 of the general fund—federal appropriation are provided solely to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to increase to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(6) \$200,000 of the general fund—state appropriation for fiscal year 2000, \$80,000 of the general fund—state appropriation for fiscal year 2001, and \$280,000 of the general fund—federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time devoted to data entry.

(7) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(8) \$1,452,000 of the general fund—state appropriation for fiscal year 2000, \$1,528,000 of the general fund—state appropriation for fiscal year 2001, and \$2,980,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation (FY 2000)	\$	457,162,000
General Fund—State Appropriation (FY 2001)	\$	441,575,000
General Fund—Federal Appropriation	\$	1,220,874,000
General Fund—Private/Local Appropriation	\$	30,838,000
TOTAL APPROPRIATION	\$	2,150,449,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$308,504,000 of the general fund—state appropriation for fiscal year 2000, \$293,144,000 of the general fund—state appropriation for fiscal year 2001, \$1,133,782,000 of the general fund—federal appropriation, and \$28,402,000 of the general fund—local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid measures of job retention and wage progression shall be developed and reported for families who leave assistance, measured after 12 months, 24 months, and 36 months.

(b) Provide \$500,000 from the general fund—state appropriation for fiscal year 2000 and \$500,000 from the general fund—state appropriation for fiscal year 2001

for continuation of the WorkFirst evaluation conducted by the joint legislative audit and review committee.

(c) Report to the appropriate committees of the legislature, by December 1, 1999, how the new federal child support incentive system can be used to maximize federal incentive payments and to support the greatest achievement of WorkFirst program goals. In the event that the department earns federal child support incentive payments in excess of amounts budgeted, the department shall use one-half of those additional funds to offset general fund—state allotments and one-half of those additional funds to improve child support services.

(2) \$50,860,000 of the general fund—state appropriation for fiscal year 2000 and \$50,825,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for cash assistance and other services to recipients in the general assistance—unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed funds provided.

(3) \$8,752,000 of the general fund—state appropriation for fiscal year 2000 and \$8,752,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund—State Appropriation (FY 2000)	\$ 21,451,000
General Fund—State Appropriation (FY 2001)	\$ 21,858,000
General Fund—Federal Appropriation	\$ 90,800,000
General Fund—Private/Local Appropriation	\$ 1,204,000
Public Safety and Education Account—State Appropriation	\$ 6,660,000
Violence Reduction and Drug Enforcement Account— State Appropriation	\$ 77,150,000
TOTAL APPROPRIATION	\$ 219,123,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,960,000 of the general fund—state appropriation for fiscal year 2000 and \$1,960,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for expansion of 50 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons

incapacitated as a result of chemical dependency and who are also high utilizers of hospital services.

(2) \$18,000 of the general fund—state appropriation for fiscal year 2000, \$88,000 of the general fund—state appropriation for fiscal year 2001, and \$116,000 of the general fund—federal appropriation are provided solely for activities related to chemical dependency services under subsection 202(1) of this act. If that subsection is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(3) \$1,444,000 of the general fund—state appropriation for fiscal year 2000, \$1,484,000 of the general fund—state appropriation for fiscal year 2001, and \$330,000 of the general fund—federal appropriation are provided for implementation of Engrossed Substitute Senate Bill No. 5480 (drug-affected infants) or sections 1 through 17 of Second Substitute House Bill No. 1574. If legislation expanding services to prevent drug-affected infants is not enacted by June 30, 1999, the amounts provided in this subsection shall be provided solely for the development and implementation of comprehensive programs for alcohol and drug abusing mothers and their young children. The pilot programs shall be implemented in several locations, including at least one rural location. The pilot programs shall also be supported with TANF funds provided in section 208 of this act as a way to reduce prolonged dependency on public assistance for program participants.

***NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2000)	\$	722,863,000
General Fund—State Appropriation (FY 2001)	\$	784,657,000
General Fund—Federal Appropriation	\$	2,345,803,000
General Fund—Private/Local Appropriation	\$	261,534,000
Emergency Medical Services and Trauma Care Systems		
Trust Account—State Appropriation	\$	9,200,000
Health Services Account—State Appropriation	\$	339,535,000
TOTAL APPROPRIATION	\$	4,463,592,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) \$1,647,000 of the general fund—state appropriation for fiscal year 2000 and \$1,672,000 of the general fund—state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.

(5) \$80,000 of the general fund—state appropriation for fiscal year 2000, \$80,000 of the general fund—state appropriation for fiscal year 2001, and \$160,000 of the general fund—federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(6) The department shall adopt a new formula for distributing funds under the low-income disproportionate share hospital (LI-DSH) program. Under this new formula, (a) the state's Level 1 trauma center shall continue to receive the same amount of LI-DSH payments as in fiscal year 1999; and (b) a net profitability factor shall be included with other factors to determine LI-DSH payments. The net profitability factor shall inversely relate hospital percent net operating income to payment under the program.

(7) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmet, state-only funds; and (c) why matching funds could not be collected on those payments.

(8) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.

(9) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.

(10) \$3,992,000 of the health services account appropriation and \$7,651,000 of the general fund—federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(11) \$191,000 of the general fund—state appropriation for fiscal year 2000 and \$391,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5587 (patient bill of rights). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(12) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide

family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.

(13) Except in the case of rural hospitals and Harborview medical center, weighted average payments under the ratio-of-cost-to-charges hospital payment system shall increase by no more than 175 percent of the DRI HCFA hospital reimbursement market basket index.

(14) From the funds appropriated in this section, the department shall provide chiropractic services for persons qualifying for medical assistance services under chapter 74.09 RCW.

*Sec. 210 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2000)	\$ 8,960,000
General Fund—State Appropriation (FY 2001)	\$ 9,078,000
General Fund—Federal Appropriation	\$ 81,906,000
General Fund—Private/Local Appropriation	\$ 2,904,000
TOTAL APPROPRIATION	\$ 102,848,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities served by those organizations.

(2) \$190,000 of the general fund—state appropriation for fiscal year 2000, \$240,000 of the general fund—state appropriation for fiscal year 2001, and \$1,590,000 of the general fund—federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1999 or 2000.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State Appropriation (FY 2000)	\$ 25,695,000
General Fund—State Appropriation (FY 2001)	\$ 25,200,000
General Fund—Federal Appropriation	\$ 46,601,000
General Fund—Private/Local Appropriation	\$ 720,000
TOTAL APPROPRIATION	\$ 98,216,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding is provided for the incremental cost of lease renewals and for the temporary increased costs for relocating staff out of state office building no. 2

(OB2) during the renovation of that building. Of this increase, \$2,400,000 is provided for relocating staff. This amount is recognized as one-time-only funding for the 1999-01 biennium. As part of the 2001-2003 budget request, the department shall update the estimate of increased cost for relocating staff, including specifying what portion of that increase is due to providing more square footage per FTE in the new leased space compared to the space occupied previously.

(2) The department may transfer up to \$528,000 of the general fund—state appropriation for fiscal year 2000, \$1,057,000 of the general fund—state appropriation for fiscal year 2001, and \$812,000 of the general fund—federal appropriation to the administration and supporting services program from various other programs to implement administrative reductions.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State Appropriation (FY 2000)	\$ 30,790,000
General Fund—State Appropriation (FY 2001)	\$ 30,719,000
General Fund—Federal Appropriation	\$ 22,747,000
TOTAL APPROPRIATION	\$ 84,256,000

NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY

General Fund—State Appropriation (FY 2000)	\$ 6,441,000
General Fund—State Appropriation (FY 2001)	\$ 6,563,000
State Health Care Authority Administrative Account—	
State Appropriation	\$ 39,585,000
Health Services Account—State Appropriation	\$ 414,159,000
General Fund—Federal Appropriation	\$ 4,501,000
TOTAL APPROPRIATION	\$ 471,249,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections 205 and 206 of chapter 149, Laws of 1997, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum

of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) \$442,000 of the state health care authority administrative account appropriation is provided solely for the uniform medical plan to contract for the following services: (a) A provider profiling system; (b) a waste, fraud, and abuse monitoring and information system; (c) an optional case management program; and (d) hospital audits. The health care authority may not expend any funds under this subsection until the office of financial management has approved a detailed project plan for expenditure of these funds.

(5) \$572,000 of the health services account appropriation is provided solely to implement Substitute Senate Bill No. 5587 (patient bill of rights). If this bill is not enacted by June 30, 1999, this amount shall lapse.

NEW SECTION. Sec. 215. FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2000)	\$ 2,536,000
General Fund—State Appropriation (FY 2001)	\$ 2,550,000
General Fund—Federal Appropriation	\$ 1,474,000
General Fund—Private/Local Appropriation	\$ 100,000
TOTAL APPROPRIATION	\$ 6,660,000

NEW SECTION. Sec. 216. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account—State	
Appropriation	\$ 20,000
Accident Account—State Appropriation	\$ 11,603,000
Medical Aid Account—State Appropriation	\$ 11,608,000
TOTAL APPROPRIATION	\$ 23,231,000

NEW SECTION. Sec. 217. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Federal Appropriation	\$ 100,000
Death Investigations Account—State	
Appropriation	\$ 38,000
Public Safety and Education Account—State	
Appropriation	\$ 17,469,000
TOTAL APPROPRIATION	\$ 17,607,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$125,000 of the public safety and education account appropriation is provided solely for information technology upgrades and improvements for the criminal justice training commission.

(2) \$481,000 of the public safety and education account appropriation is provided solely for the implementation of provisions of chapter 351, Laws of 1997

(criminal justice training) dealing with supervisory and management training of law enforcement personnel. Within the funds provided in this subsection, the criminal justice training commission shall provide the required training in the least disruptive manner to local law enforcement agencies and may include, but is not limited to, regional on-site training, interactive training, and credit for training given by the home department.

(3) \$2,092,000 of the public safety and education account appropriation is provided solely for expanding the basic law enforcement academy (BLEA) from 469 hours to 720 hours. The funds provided in this subsection are assumed sufficient for the criminal justice training commission to provide expanded BLEA training to 330 attendees in fiscal year 2000 and 660 attendees in fiscal year 2001.

(4) \$180,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (sexually violent offender records). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(5) \$276,000 of the public safety and education account appropriation is provided solely for the implementation of Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2000)	\$ 7,268,000
General Fund—State Appropriation (FY 2001)	\$ 7,240,000
Public Safety and Education Account—State	
Appropriation	\$ 16,091,000
Public Safety and Education Account—Federal	
Appropriation	\$ 5,950,000
Public Safety and Education Account—Private/Local	
Appropriation	\$ 3,057,000
Electrical License Account—State	
Appropriation	\$ 24,055,000
Farm Labor Revolving Account—Private/Local	
Appropriation	\$ 28,000
Worker and Community Right-to-Know Account—State	
Appropriation	\$ 2,211,000
Public Works Administration Account—State	
Appropriation	\$ 2,996,000
Accident Account—State Appropriation	\$ 167,736,000
Accident Account—Federal Appropriation	\$ 9,112,000
Medical Aid Account—State Appropriation	\$ 170,197,000
Medical Aid Account—Federal Appropriation	\$ 1,592,000
Plumbing Certificate Account—State	

Appropriation	\$	971,000
Pressure Systems Safety Account—State		
Appropriation	\$	2,167,000
TOTAL APPROPRIATION	\$	420,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(2) \$123,000 of the accident account—state appropriation and \$22,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Senate Bill No. 5597 (needle stick protection). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(3) \$302,000 of the accident account—state appropriation and \$302,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5439 (false claims). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(4) \$709,000 of the accident account—state appropriation and \$709,000 of the medical aid account—state appropriation are provided solely for the implementation of Engrossed Senate Bill No. 5580 (payments during appeals). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(5) \$481,000 of the medical aid account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5470 (chemically related illnesses). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 219. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund—State Appropriation (FY 2000)	\$	929,000
General Fund—State Appropriation (FY 2001)	\$	925,000
TOTAL APPROPRIATION	\$	1,854,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS		
General Fund—State Appropriation (FY 2000)	\$	1,409,000

General Fund—State Appropriation (FY 2001)	\$	1,428,000
General Fund—Federal Appropriation	\$	134,000
General Fund—Private/Local Appropriation	\$	78,000
Industrial Insurance Premium Refund Account—State Appropriation	\$	78,000
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation	\$	2,000
TOTAL APPROPRIATION	\$	3,129,000

The appropriations in this subsection are subject to the following conditions and limitations: \$39,000 of the general fund—state appropriation is provided solely as an additional state contribution toward the cost of constructing a memorial on the state capitol grounds to the men and women who served in the nation's armed forces during the second world war.

(2) FIELD SERVICES

General Fund—State Appropriation (FY 2000)	\$	2,466,000
General Fund—State Appropriation (FY 2001)	\$	2,494,000
General Fund—Federal Appropriation	\$	26,000
General Fund—Private/Local Appropriation	\$	1,495,000
TOTAL APPROPRIATION	\$	6,481,000

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2000)	\$	6,155,000
General Fund—State Appropriation (FY 2001)	\$	5,337,000
General Fund—Federal Appropriation	\$	20,949,000
General Fund—Private/Local Appropriation	\$	14,682,000
TOTAL APPROPRIATION	\$	47,123,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2000)	\$	68,937,000
General Fund—State Appropriation (FY 2001)	\$	69,635,000
General Fund—Federal Appropriation	\$	268,710,000
General Fund—Private/Local Appropriation	\$	68,648,000
Hospital Commission Account—State Appropriation	\$	3,128,000
Health Professions Account—State Appropriation	\$	37,529,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$	14,856,000
State Drinking Water Account—State Appropriation	\$	2,531,000
Drinking Water Assistance Account—Federal Appropriation	\$	5,456,000
Waterworks Operator Certification—State Appropriation	\$	593,000

Water Quality Account—State Appropriation	\$	3,124,000
Accident Account—State Appropriation	\$	258,000
Medical Aid Account—State Appropriation	\$	45,000
State Toxics Control Account—State Appropriation	\$	2,614,000
Medical Test Site Licensure Account—State Appropriation	\$	1,651,000
Youth Tobacco Prevention Account—State Appropriation	\$	1,804,000
Tobacco Prevention and Control Account—State Appropriation	\$	620,000
TOTAL APPROPRIATION	\$	550,139,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) The department or any successor agency is authorized to raise existing fees charged to the nursing assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing; for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) \$339,000 of the general fund—state appropriation for fiscal year 2000, \$339,000 of the general fund—state appropriation for fiscal year 2001, and \$678,000 of the general fund—federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. \$339,000 of the general fund—federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$1,685,000 of the general fund—state fiscal year 2000 appropriation and \$1,686,000 of the general fund—state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(5) \$4,645,000 of the general fund—state fiscal year 2000 appropriation and \$4,645,000 of the general fund—state fiscal year 2001 appropriation are provided solely for distribution to local health departments.

(6) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or

other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(7) \$620,000 of the tobacco prevention and control account appropriation and \$209,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999, with the final plan submitted by September 1, 2000.

(8) \$2,075,000 of fiscal year 2000 general fund—state appropriation and \$2,075,000 of fiscal year 2001 general fund—state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal grants, private sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

(9) \$50,000 of fiscal year 2000 general fund—state appropriation and \$50,000 of fiscal year 2001 general fund—state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund—state appropriations.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2000)	\$ 29,449,000
General Fund—State Appropriation (FY 2001)	\$ 28,169,000
Public Safety and Education Account—State	
Appropriation	\$ 5,216,000
TOTAL APPROPRIATION	\$ 62,834,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$2,072,000 of the general fund—state appropriation for fiscal year 2000, \$212,000 of the general fund—state appropriation for fiscal year 2001, and \$5,216,000 of the public safety and education account appropriation are provided solely for replacement of the department's offender-based tracking system. These amounts are subject to section 902 of this act.

(b) \$462,000 of the general fund—state appropriation for fiscal year 2000 and \$538,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2000)	\$ 363,411,000
General Fund—State Appropriation (FY 2001)	\$ 364,857,000
General Fund—Federal Appropriation	\$ 34,393,000
Violence Reduction and Drug Enforcement Account—	
State Appropriation	\$ 1,614,000
TOTAL APPROPRIATION	\$ 764,275,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Not more than \$3,000,000 may be expended to provide financial assistance to counties for monitoring and treatment services provided to felony offenders involved in drug court programs pursuant to sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). The secretary may negotiate terms, conditions, and amounts of assistance with counties or groups of counties operating drug courts, and may review charging and other documents to verify eligibility for payment. The secretary may contract with the division of alcohol and substance abuse, department of social and health services, for monitoring and treatment services provided pursuant to this subsection.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) \$583,000 of the general fund—state appropriation for fiscal year 2000 and \$1,178,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(f) \$151,000 of the general fund—state appropriation for fiscal year 2000 and \$57,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(g) \$18,000 of the general fund—state appropriation for fiscal year 2000 and \$334,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of Senate Bill No. 5538 (sentencing) or section 3 of House Bill No. 1544 (sentencing corrections). If neither bill is enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(h) \$171,000 of the general fund—state appropriation for fiscal year 2000 and \$1,094,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(i) The department of corrections shall submit to the appropriate policy and fiscal committees of the senate and house of representatives, by December 15, 1999, a report on how the department plans to manage hepatitis C in the inmate population. In developing the plan, the department shall work with recognized experts in the field and shall take notice of the current national institutes of health hepatitis C guidelines and hepatitis C protocols observed in other correctional settings. Included in the plan shall be offender education about the disease, how and when offenders would be tested, how the disease would be managed if an inmate is determined to have hepatitis C, and an estimate of the number of inmates in the Washington prison system with hepatitis C. The proposed plan must also include recommendations to the legislature on ways to improve hepatitis C disease management and what level of funding would be necessary to appropriately test for and treat the disease.

(j) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating

resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following:

(A) Enter into a long-term ground lease or a long-term lease with purchase option for development of a Tacoma prerelease facility for approximately \$360,000 per year. Prior to entering into any lease, the department of corrections shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements.

(B) Enter into a financing contract in the amount of \$21,350,000 to acquire, construct, or remodel a 400-bed, expandable to 600-bed, Tacoma prerelease facility.

(C) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for \$7,000,000.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2000)	.....	\$ 54,371,000
General Fund—State Appropriation (FY 2001)	.....	\$ 61,321,000
TOTAL APPROPRIATION	.....	\$ 115,692,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$445,000 of the general fund—state appropriation for fiscal year 2000 and \$6,662,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(c) \$109,000 of the general fund—state appropriation for fiscal year 2000 and \$126,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of Substitute Senate Bill No. 5011 (dangerous mentally ill offenders). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(d) \$219,000 of the general fund—state appropriation for fiscal year 2000 and \$75,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in Engrossed Second Substitute Senate Bill No. 5421 (offender accountability act) and sections 7 through 12 of Engrossed Second Substitute House Bill No. 1006 (drug offender sentencing).

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2000)	.....	\$ 817,000
General Fund—State Appropriation (FY 2001)	.....	\$ 3,654,000

TOTAL APPROPRIATION \$ 4,471,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund—state appropriation for fiscal year 2000 and \$100,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(b) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2000) \$ 12,823,000
 General Fund—State Appropriation (FY 2001) \$ 11,908,000
 TOTAL APPROPRIATION \$ 24,731,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation (FY 2000) \$ 1,481,000
 General Fund—State Appropriation (FY 2001) \$ 1,513,000
 General Fund—Federal Appropriation \$ 11,062,000
 General Fund—Private/Local Appropriation \$ 80,000
 TOTAL APPROPRIATION \$ 14,136,000

NEW SECTION. Sec. 224. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund—State Appropriation (FY 2000) \$ 803,000
 General Fund—State Appropriation (FY 2001) \$ 746,000
 TOTAL APPROPRIATION \$ 1,549,000

The appropriations in this section are subject to the following conditions and limitations: \$63,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5421 (offender accountability). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—State Appropriation (FY 2000) \$ 1,263,000
 General Fund—State Appropriation (FY 2001) \$ 1,259,000
 General Fund—Federal Appropriation \$ 209,498,000
 General Fund—Private/Local Appropriation \$ 29,135,000
 Unemployment Compensation Administration Account—
 Federal Appropriation \$ 174,343,000

Administrative Contingency Account—State	
Appropriation	\$ 9,443,000
Employment Service Administrative Account—State	
Appropriation	\$ 16,890,000
TOTAL APPROPRIATION	\$ 441,831,000

The appropriations in this section are subject to the following conditions and limitations: Expenditures of funds appropriated in this section for the information systems project to improve the agency's labor exchange system are conditioned upon compliance with section 902 of this act.

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2000)	\$ 370,000
General Fund—State Appropriation (FY 2001)	\$ 327,000
General Fund—Private/Local Appropriation	\$ 657,000
TOTAL APPROPRIATION	\$ 1,354,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$40,000 of the general fund—state appropriation for fiscal year 2000 and \$40,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to implement the scenic area management plan for Klickitat county. If Klickitat county adopts an ordinance to implement the scenic area management plan in accordance with the national scenic area act, P.L. 99-663, then the amounts provided in this subsection shall be provided as a grant to Klickitat county to implement its responsibilities under the act.

(2) Within the funding provided, the commission shall make every effort to complete its review of the national scenic area management plan by the end of the 1999-01 biennium.

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2000)	\$ 33,558,000
General Fund—State Appropriation (FY 2001)	\$ 33,539,000
General Fund—Federal Appropriation	\$ 48,981,000
General Fund—Private/Local Appropriation	\$ 4,234,000
Special Grass Seed Burning Research Account—	
State Appropriation	\$ 14,000
Reclamation Revolving Account—State Appropriation	\$ 1,735,000
Flood Control Assistance Account— State	
Appropriation	\$ 3,989,000
State Emergency Water Projects Revolving Account—	
State Appropriation	\$ 317,000
Waste Reduction/Recycling/Litter Control Account—	

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State Appropriation	\$ 13,192,000
Salmon Recovery Account—State Appropriation	\$ 1,120,000
State and Local Improvements Revolving Account (Water Supply Facilities)—State Appropriation	\$ 557,000
Water Quality Account—State Appropriation	\$ 3,879,000
Wood Stove Education and Enforcement Account— State Appropriation	\$ 351,000
Worker and Community Right-to-Know Account— State Appropriation	\$ 3,155,000
State Toxics Control Account—State Appropriation	\$ 46,838,000
State Toxics Control Account—Private/Local Appropriation	\$ 377,000
Local Toxics Control Account—State Appropriation	\$ 4,586,000
Water Quality Permit Account—State Appropriation	\$ 21,003,000
Underground Storage Tank Account—State Appropriation	\$ 2,475,000
Environmental Excellence Account—State Appropriation	\$ 20,000
Biosolids Permit Account—State Appropriation	\$ 572,000
Hazardous Waste Assistance Account—State Appropriation	\$ 3,942,000
Air Pollution Control Account—State Appropriation	\$ 15,844,000
Oil Spill Administration Account—State Appropriation	\$ 7,521,000
Air Operating Permit Account—State Appropriation	\$ 3,548,000
Freshwater Aquatic Weeds Account—State Appropriation	\$ 1,430,000
Oil Spill Response Account—State Appropriation	\$ 7,078,000
Metals Mining Account—State Appropriation	\$ 43,000
Water Pollution Control Revolving Account— State Appropriation	\$ 439,000
Water Pollution Control Revolving Account— Federal Appropriation	\$ 2,200,000
TOTAL APPROPRIATION	\$ 266,537,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,432,000 of the general fund—state appropriation for fiscal year 2000, \$3,438,000 of the general fund—state appropriation for fiscal year 2001, \$394,000 of the general fund—federal appropriation, \$2,070,000 of the oil spill administration account—state appropriation, \$819,000 of the state toxics control account—state appropriation, and \$3,686,000 of the water quality permit account—state appropriation are provided solely for the implementation of the Puget Sound

work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(3) \$374,000 of the general fund—state appropriation for fiscal year 2000 and \$283,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the department to digitize water rights documents and to provide this information to watershed planning groups.

(4) \$500,000 of the general fund—federal appropriation is provided solely for the department to update its water rights tracking system. \$250,000 of this amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(5) \$1,566,000 of the general fund—federal appropriation, \$1,033,000 of the general fund—private/local appropriation, and \$919,000 of the water quality account appropriation are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(6) \$250,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for study of the impacts of gravel removal on the hydrology of Maury Island. The study shall consider impacts to the nearshore environment and aquifer recharge, and assess the potential for groundwater or marine sediment contamination. The department shall contract for the study, which shall be completed by June 30, 2000.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for a study of the impacts of gravel deposit on the Highline aquifer. The study shall consider impacts to instream flow and sedimentation of Des Moines, Miller, and Walker creeks. The department shall contract for the study, which shall be completed by June 30, 2000.

(8) The entire freshwater aquatic weeds account appropriation shall be distributed according to the provisions of RCW 43.21A.660. Funding may be provided for chemical control of Eurasian watermilfoil.

(9) \$15,000 of the general fund—state appropriation for fiscal year 2000 and \$15,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to monitor and address, in coordination with the marine operations division of the department of transportation, odor problems in Fautleroy Cove.

(10) \$144,000 of the general fund—state appropriation for fiscal year 2000, \$133,000 of the general fund—state appropriation for fiscal year 2001, and \$277,000 of the general fund—federal appropriation are provided solely for water

quality activities related to forest practices. \$138,500 of the general fund—federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for the department to form an advisory committee for the purpose of updating the department's storm water management plan and the Puget Sound storm water management manual. The advisory committee shall be appointed no later than September 1, 1999, and it shall provide its recommendations on storm water management to the legislature by December 31, 2000.

(12) \$383,000 of the general fund—state appropriation for fiscal year 2000 and \$384,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for an agency permit assistance center, including four regional permit assistance offices.

(13) \$438,000 of the general fund—state appropriation for fiscal year 2000, \$1,025,000 of the general fund—state appropriation for fiscal year 2001, and \$1,870,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5670 (noxious weed herbicide) for the establishment of total maximum daily loads for water bodies across the state. \$433,000 of the general fund—state appropriation is to implement the Puget Sound work plan and agency action item DOE-2. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(14) \$591,000 of the general fund—state appropriation for fiscal year 2000 and \$1,131,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to process water rights applications.

(15) \$414,000 of the general fund—state appropriation for fiscal year 2000, \$383,000 of the general fund—state appropriation for fiscal year 2001, and \$797,000 of the general fund—federal appropriation are provided solely for technical assistance and project review for water conservation and reuse projects. \$398,000 of the general fund—federal appropriation may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(16) The entire salmon recovery account appropriation is provided to increase compliance with existing water quality and water resources laws.

(17) \$4,500,000 of the general fund—state appropriation for fiscal year 2000, \$4,500,000 of the general fund—state appropriation for fiscal year 2001, and \$1,500,000 of the general fund—federal appropriation are provided solely for grants to local governments to conduct watershed planning. \$750,000 of the general fund—federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for

salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(18) \$100,000 of the general fund—state appropriation for fiscal year 2000, \$82,000 of the general fund—state appropriation for fiscal year 2001, and \$181,000 of the general fund—federal appropriation are provided solely for the department, in cooperation with the department of fish and wildlife, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities. \$90,500 of the general fund—federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(19) \$276,000 of the general fund—state appropriation for fiscal year 2000 and \$207,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5424 (aquatic plant management). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(20) \$500,000 of the general fund—state appropriation for fiscal year 2000 and \$500,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the continuation of the southwest Washington coastal erosion study.

(21) \$638,000 of the oil spill administration account appropriation is provided solely to implement Substitute House Bill No. 2247 (oil spill response tax). Of this amount: (a) \$120,000 is provided solely for spill response equipment; (b) \$307,000 is provided solely to develop an oil spill risk management plan; and (c) \$211,000 is provided solely for spills information management improvements. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(23) \$145,000 of the general fund—state fiscal year 2000 appropriation and \$145,000 of the general fund—state fiscal year 2001 appropriation are provided solely for training and technical assistance to support the activities of county water conservancy boards.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2000)	\$	27,498,000
General Fund—State Appropriation (FY 2001)	\$	28,073,000
General Fund—Federal Appropriation	\$	2,113,000
General Fund—Private/Local Appropriation	\$	59,000
Winter Recreation Program Account—State		
Appropriation	\$	763,000
Off Road Vehicle Account—State Appropriation	\$	264,000
Snowmobile Account—State Appropriation	\$	3,653,000
Aquatic Lands Enhancement Account—State		
Appropriation	\$	325,000
Public Safety and Education Account—State		
Appropriation	\$	48,000

Water Trail Program Account—State Appropriation	\$	14,000
Parks Renewal and Stewardship Account—		
State Appropriation	\$	25,907,000
TOTAL APPROPRIATION	\$	88,717,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03.

(2) \$105,000 of the general fund—state appropriation for fiscal year 2000 and \$31,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the state parks and recreation commission to meet its responsibilities under the Native American graves protection and repatriation act (P.L. 101-601).

(3) \$2,000,000 of the parks renewal and stewardship account appropriation is dependent upon the parks and recreation commission generating revenue to the account in excess of \$26,000,000 for the biennium. These funds shall be used for deferred maintenance and visitor and ranger safety activities.

(4) \$772,000 of the general fund—state appropriation for fiscal year 2000 and \$849,000 of the general fund—state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) Fees approved by the state parks and recreation commission in 1998 for camping, group camping, extra vehicles, and the sno-park daily permit are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$40,000 of the general fund—state appropriation for fiscal year 2000 and \$40,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for a grant for the operation of the Northwest avalanche center.

NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms Range Account—State Appropriation	\$	34,000
Recreation Resources Account—State Appropriation	\$	2,370,000
Recreation Resources Account—Federal Appropriation	\$	11,000
NOVA Program Account—State Appropriation	\$	604,000
TOTAL APPROPRIATION	\$	3,019,000

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund—State Appropriation (FY 2000)	\$	807,000
General Fund—State Appropriation (FY 2001)	\$	805,000
TOTAL APPROPRIATION	\$	1,612,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2000)	\$	2,630,000
General Fund—State Appropriation (FY 2001)	\$	2,634,000
General Fund—Federal Appropriation	\$	1,800,000
Salmon Recovery Account—State Appropriation	\$	3,618,000
Water Quality Account—State Appropriation	\$	444,000
TOTAL APPROPRIATION	\$	11,126,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the general fund—state appropriation for fiscal year 2000, \$182,000 of the general fund—state appropriation for fiscal year 2001, and \$130,000 of the water quality account appropriation are provided solely for the implementation of the Puget Sound work plan agency action item CC-01.

(2) \$550,000 of the general fund—state appropriation for fiscal year 2000 and \$550,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for grants to conservation districts to reduce nitrate contamination in the Columbia Basin ground water management area.

(3) \$1,968,000 of the salmon recovery account appropriation is provided solely for conducting limiting factors analysis for salmon species.

(4) \$250,000 of the salmon recovery account appropriation is provided solely for a facilitated review of the field office technical guides of the federal natural resource conservation service to ensure the guides meet the requirements of the federal endangered species act and clean water act.

(5) \$500,000 of the salmon recovery account appropriation and \$1,500,000 of the general fund—federal appropriation are provided solely for a volunteer salmon recovery initiative. The salmon recovery account appropriation is provided for volunteer coordination through regional fisheries enhancement groups. \$750,000 of the general fund—federal amount may be expended in each fiscal year only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(6) \$900,000 of the salmon recovery account appropriation and \$300,000 of the general fund—federal appropriation are provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources. \$150,000 of the general fund—federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State Appropriation (FY 2000)	\$ 42,896,000
General Fund—State Appropriation (FY 2001)	\$ 42,443,000
General Fund—Federal Appropriation	\$ 42,755,000
General Fund—Private/Local Appropriation	\$ 14,416,000
Off Road Vehicle Account—State Appropriation	\$ 490,000
Aquatic Lands Enhancement Account—State Appropriation	\$ 6,432,000
Public Safety and Education Account—State Appropriation	\$ 586,000
Recreational Fisheries Enhancement Account— State Appropriation	\$ 3,596,000
Salmon Recovery Account—State Appropriation	\$ 9,316,000
Warm Water Game Fish Account—State Appropriation	\$ 2,419,000
Eastern Washington Pheasant Enhancement Account— State Appropriation	\$ 551,000
Wildlife Account—State Appropriation	\$ 40,293,000
Wildlife Account—Federal Appropriation	\$ 40,040,000
Wildlife Account—Private/Local Appropriation	\$ 13,072,000
Game Special Wildlife Account—State Appropriation	\$ 1,939,000
Game Special Wildlife Account—Federal Appropriation	\$ 9,603,000
Game Special Wildlife Account—Private/Local Appropriation	\$ 350,000
Environmental Excellence Account—State Appropriation	\$ 15,000
Regional Fisheries Salmonid Recovery Account— Federal Appropriation	\$ 750,000
Oil Spill Administration Account—State Appropriation	\$ 969,000
TOTAL APPROPRIATION	\$ 272,931,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,252,000 of the general fund—state appropriation for fiscal year 2000 and \$1,244,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-02, DFW-03, DFW-04, and DFW-05.

(2) \$776,000 of the salmon recovery account appropriation and \$775,000 of the general fund—federal appropriation are provided solely for the department's review of forest practices applications and related hydraulic permit applications. Up to \$387,500 of the general fund—federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from

the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(3) \$1,500,000 of the salmon recovery account appropriation and \$1,500,000 of the general fund—federal appropriation are provided solely for the department to update the salmon and steelhead stock inventory and, in cooperation with the department of ecology, to establish fish and habitat index monitoring sites to measure the effectiveness of salmon recovery activities. Up to \$750,000 of the general fund—federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$232,000 of the general fund—state appropriation for fiscal year 2000 and \$232,000 of the general fund—state appropriation for fiscal year 2001 are provided for the control of European green crab (*Carcinus maenas*). The department shall submit a report to the governor and the appropriate legislative committees by September 1, 2000, evaluating the effectiveness of various control strategies and providing recommendations on long-term control strategies. \$248,000 of this amount is for implementation of Puget Sound work plan and agency action item DFW-23.

(5) \$191,000 of the general fund—state appropriation for fiscal year 2000 and \$191,000 of the general fund—state appropriation for fiscal year 2001 are provided for noxious weed control and survey activities on department lands. Of this amount, \$48,000 is provided for the biological control of yellowstar thistle.

(6) All salmon habitat restoration and protection projects proposed for funding by regional fisheries enhancement groups shall be submitted by January 1st or July 1st of each year for review to the salmon recovery funding board.

(7) \$2,340,000 of the salmon recovery account appropriation and \$7,000,000 of the general fund—federal appropriation are provided solely to implement a license buy-back program for commercial fishing licenses.

(8) \$511,000 of the general fund—state appropriation for fiscal year 2000 and \$488,000 of the general fund—state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(9) Any indirect cost reimbursement received by the department from federal grants must be spent on agency administrative activities and cannot be redirected to direct program activities.

(10) \$43,000 of the general fund—state appropriation for fiscal year 2000 and \$42,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$32,000 of the general fund—state appropriation for fiscal year 2000 and \$33,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to support the activities of the aquatic nuisance species coordination

committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(12) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5508 (crab catch record cards). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) \$6,440,000 of the general fund—state appropriation for fiscal year 2000, \$5,796,000 of the general fund—state appropriation for fiscal year 2001, \$12,260,000 of the wildlife account—state appropriation, \$710,000 of the aquatic lands enhancement account appropriation, and \$500,000 of the public safety and education account appropriation are provided solely for operation of the enforcement division. Within these funds, the department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within these funds, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(14) \$500,000 of the salmon recovery account, \$624,000 of the general fund—state appropriation for fiscal year 2000, and \$624,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the department to implement a hatchery endangered species act response. The strategy shall include emergency hatchery responses and retrofitting of hatcheries for salmon recovery.

(15) \$45,000 of the general fund—state appropriation for fiscal year 2000 and \$46,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for operation of the Rod Meseberg (ringold) warm water fish hatchery to implement House Bill No. 1716 (warm water fish culture). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(16) \$2,500,000 of the salmon recovery account appropriation is provided solely for grants to lead entities established in accordance with RCW 75.46.060.

(17) \$200,000 of the salmon recovery account appropriation and \$600,000 of the general fund—federal appropriation are provided solely for predation control, bycatch monitoring, and selective harvest strategies. \$300,000 of the general fund—federal amount may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(18) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for additional field surveys of the Olympic Peninsula, North Rainier, and Packwood/South Rainier elk herds.

(19) \$425,000 of the general fund—state appropriation for fiscal year 2000 and \$75,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to purchase and implement the automated recreational license data base system.

(20) \$1,400,000 of the general fund—state appropriation for fiscal year 2000 and \$1,400,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for fish passage barrier and screening technical assistance, engineering services, and construction assistance for local governments, state agencies, volunteer groups, and regional fisheries enhancement groups.

(21) \$1,500,000 of the salmon recovery account appropriation and \$500,000 of the general fund—federal appropriation are provided solely for local salmon recovery technical assistance. Technical assistance shall be coordinated among all state agencies including the conservation commission, department of fish and wildlife, department of ecology, department of health, department of agriculture, department of transportation, state parks and recreation, interagency committee for outdoor recreation, governor's salmon recovery office, Puget Sound water quality action team, department of community, trade, and economic development, and department of natural resources. \$250,000 of the general fund—federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(22) \$400,000 of the wildlife account appropriation is provided solely to implement House Bill No. 1681 (trout purchase by state). The fish and wildlife commission may authorize expenditure of these funds only if the costs of the program will be recovered by the increase in license sales directly attributable to the planting of privately grown trout. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to implement Senate Bill No. 5508 (crab fishery catch records). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(24) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2000)	\$ 25,784,000
General Fund—State Appropriation (FY 2001)	\$ 25,641,000
General Fund—Federal Appropriation	\$ 12,656,000
General Fund—Private/Local Appropriation	\$ 420,000
Forest Development Account—State Appropriation	\$ 46,029,000
Off Road Vehicle Account—State Appropriation	\$ 3,668,000
Surveys and Maps Account—State Appropriation	\$ 2,221,000
Aquatic Lands Enhancement Account—State Appropriation	\$ 2,656,000
Resources Management Cost Account—State	

Appropriation	\$ 77,016,000
Surface Mining Reclamation Account—State	
Appropriation	\$ 1,435,000
Salmon Recovery Account—State Appropriation	\$ 3,483,000
Aquatic Land Dredged Material Disposal Site Account—	
State Appropriation	\$ 764,000
Natural Resource Conservation Areas Stewardship	
Account Appropriation	\$ 1,100,000
Air Pollution Control Account—State Appropriation	\$ 864,000
Metals Mining Account—State Appropriation	\$ 63,000
Agricultural College Trust Management Account	
Appropriation	\$ 1,736,000
TOTAL APPROPRIATION	\$ 205,536,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund—state appropriation for fiscal year 2000, \$18,000 of the general fund—state appropriation for fiscal year 2001, and \$1,058,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$7,304,000 of the general fund—state appropriation for fiscal year 2000 and \$7,304,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for emergency fire suppression.

(3) \$331,000 of the general fund—state appropriation for fiscal year 2000 and \$339,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for geologic studies to evaluate ground stability in high growth areas and to provide geologic expertise to small communities.

(4) \$663,000 of the general fund—state appropriation for fiscal year 2000 and \$689,000 of the general fund—state appropriation for fiscal year 2001 are provided to employ residents of the state between eighteen and twenty-five years of age in activities to enhance Washington's natural, historic, environmental, and recreational resources.

(5) \$3,483,000 of the salmon recovery account appropriation and \$10,991,000 of the general fund—federal appropriation are provided for the department to implement changes in forest practice rules for the protection of salmon. \$5,495,500 of the general fund—federal appropriation may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(6) \$44,000 of the resource management cost account appropriation is provided solely for maintenance and safety improvements at the Gull Harbor marine station. The department shall develop a plan for use or disposal of the marine station by December 1, 1999.

(7) \$582,000 of the resource management cost account appropriation is provided solely to expand geoduck resource management activities.

(8) \$172,000 of the resource management cost account appropriation is provided solely to convert aquatic land maps and records to an electronic format.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2000, \$100,000 of the general fund—state appropriation for fiscal year 2001, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control. Within these amounts, the department shall continue support for a field study of biological control methods.

(10) \$2,000,000 of the general fund—state appropriation for fiscal year 2000 and \$2,000,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for fire protection activities.

(11) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands.

(12) \$1,100,000 of the natural resources conservation areas stewardship account is provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2000)	\$	7,476,000
General Fund—State Appropriation (FY 2001)	\$	7,316,000
General Fund—Federal Appropriation	\$	4,440,000
General fund—Private/Local Appropriation	\$	410,000
Aquatic Lands Enhancement Account—State		
Appropriation	\$	818,000
State Toxics Control Account—State Appropriation	\$	1,365,000
Local Toxics Control Account—State Appropriation	\$	241,000
TOTAL APPROPRIATION	\$	22,066,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the general fund—state appropriation for fiscal year 2000 and \$37,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for technical assistance on pesticide management, including the implementation of the Puget Sound work plan and agency action item DOA-01.

(2) \$241,000 of the local toxics control account appropriation is provided solely to implement chapter 36, Laws of 1998 (fertilizer regulation). The amount provided in this subsection shall be used to conduct a comprehensive study of plant uptake of metals and to implement new fertilizer registration requirements.

(3) \$133,000 of the general fund—state appropriation for fiscal year 2000 and \$127,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for technical assistance to local watershed and salmon recovery planning efforts.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account—	
State Appropriation	\$ 947,000

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2000)	\$ 5,519,000
General Fund—State Appropriation (FY 2001)	\$ 4,947,000
Architects' License Account—State	
Appropriation	\$ 754,000
Cemetery Account—State Appropriation	\$ 203,000
Profession Engineers' Account—State	
Appropriation	\$ 2,828,000
Real Estate Commission—State Appropriation	\$ 7,114,000
Master License Account—State Appropriation	\$ 7,423,000
Uniform Commercial Code Account—State	
Appropriation	\$ 3,472,000
Real Estate Education Account—State	
Appropriation	\$ 606,000
Funeral Directors and Embalmers Account—State	
Appropriation	\$ 457,000
Washington Real Estate Research Account	
Appropriation	\$ 368,000
TOTAL APPROPRIATION	\$ 33,691,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund—state appropriation for fiscal year 2000, \$25,000 of the general fund—state appropriation for fiscal year 2001, and \$100,000 of the professional engineers' account appropriation are provided solely for Second Substitute Senate Bill No. 5821 (on-site wastewater treatment). If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(2) \$368,000 of the Washington real estate research account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5720 (real estate research). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund—State Appropriation (FY 2000)	\$ 22,129,000
General Fund—State Appropriation (FY 2001)	\$ 20,858,000
General Fund—Federal Appropriation	\$ 3,999,000
General Fund—Private/Local Appropriation	\$ 344,000
Death Investigations Account—State	

Appropriation	\$	2,816,000
Public Safety and Education Account—State		
Appropriation	\$	6,867,000
County Criminal Justice Assistance Account—State		
Appropriation	\$	4,641,000
Municipal Criminal Justice Assistance Account—		
State Appropriation	\$	1,831,000
Fire Service Trust Account—State		
Appropriation	\$	125,000
Fire Service Training Account—State		
Appropriation	\$	6,730,000
State Toxics Control Account—State		
Appropriation	\$	442,000
Violence Reduction and Drug Enforcement Account—		
State Appropriation	\$	260,000
Fingerprint Identification Account—State		
Appropriation	\$	2,392,000
TOTAL APPROPRIATION	\$	73,434,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$255,000 of the general fund—state appropriation for fiscal year 2000 and \$95,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for replacement of fire training equipment at the fire service training academy.

(2) \$430,000 of the public safety and education account appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5108 (missing/exploited children). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(3) \$2,816,000 of the death investigation account appropriation is provided solely for the implementation of Substitute House Bill No. 1560 (forensic lab services). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$2,900,000 of the fire service training account appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 5102 (fire fighter training). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse. In providing the fire fighter one training program required by the bill, the state patrol shall, to the extent possible, utilize existing public and private fire fighting training facilities in southeastern Washington.

(5) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capital campus.

(6) \$66,000 of the general fund—state appropriation for fiscal year 2000 and \$58,000 of the general fund—state appropriation for fiscal year 2001 are provided

solely for activities of the missing children's clearinghouse as related to services performed under subsection 202(1) of this act. If that subsection is not enacted, the amount provided in this subsection shall lapse.

**PART V
EDUCATION**

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund—State Appropriation (FY 2000)	\$ 27,800,000
General Fund—State Appropriation (FY 2001)	\$ 26,535,000
General Fund—Federal Appropriation	\$ 78,121,000
Public Safety and Education Account—	
State Appropriation	\$ 6,602,000
Health Services Account Appropriation	\$ 5,242,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 3,671,000
TOTAL APPROPRIATION	\$ 147,971,000

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$404,000 of the general fund—state appropriation for fiscal year 2000 and \$403,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$348,000 of the public safety and education account appropriation is provided for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(c) \$128,000 of the general fund—state appropriation is provided solely for increased costs of providing a norm-referenced test to all third grade students and retests of certain third grade students and other costs in accordance with chapter 319, Laws of 1998 (student achievement).

(d) \$145,000 of the general fund—state appropriation is provided for an institutional education program director.

(2) STATE-WIDE PROGRAMS

(a) \$2,524,000 of the general fund—state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center. Of this amount, \$350,000 is provided to add a math van.

(b) \$63,000 of the general fund—state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,754,000 of the general fund—state appropriation is provided for educational centers, including state support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education

centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(d) \$100,000 of the general fund—state appropriation is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(e) \$3,671,000 of the violence reduction and drug enforcement account appropriation and \$2,252,000 of the public safety education account appropriation are provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(f) \$200,000 of the general fund—state appropriation for fiscal year 2000, \$200,000 of the general fund—state appropriation for fiscal year 2001, and \$400,000 of the general fund—federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(g) \$1,500,000 of the general fund—state appropriation for fiscal year 2000 and \$1,500,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(h) A maximum of \$300,000 of the general fund—state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(i) \$5,702,000 of the general fund—state appropriation is provided solely for shared infrastructure costs, data equipment maintenance, and depreciation costs for operation of the K-20 telecommunications network.

(j) \$4,000,000 of the general fund—state appropriation is provided solely for a K-20 telecommunications network technical support system in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data

processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 may be expended for state-level administration and staff training on the K-20 network.

(k) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools.

(l) \$2,000,000 of the public safety and education account appropriation is provided for start-up grants for alternative programs and services that improve instruction and learning for at-risk students. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

(i) Students who are disruptive or have been suspended, expelled, or subject to other disciplinary actions;

(ii) Students with unexcused absences who need intervention;

(iii) Students who have left school; and

(iv) Students involved with the court system.

(m) \$1,600,000 of the general fund—state appropriation is provided for grants for magnet schools.

(n) \$4,300,000 of the general fund—state appropriation is provided for complex need grants. Grants shall be provided according to amounts shown in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(o) \$262,000 of the general fund—state appropriation for fiscal year 2000 and \$235,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to implement Substitute Senate Bill No. 5593 (professional educator standards board). If Substitute Senate Bill No. 5593 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(p) \$200,000 of the general fund—state appropriation is provided solely for the purposes of Substitute Senate Bill No. 5413 (teacher assessment/certification). If Substitute Senate Bill No. 5413 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(q) \$500,000 of the general fund—state appropriation for fiscal year 2000 and \$500,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for grants to schools and school districts to establish school safety plans.

(r) \$5,242,000 of the health services account appropriation is provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(s) \$50,000 of the general fund—state appropriation is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices.

(t) \$750,000 of the general fund—state appropriation is provided solely for computer system programming and upgrades to benefit the office of the superintendent of public instruction, schools, and school districts.

(u) \$21,000 of the general fund—state appropriation for fiscal year 2000 appropriation and \$21,000 of the general fund—state appropriation for fiscal year 2001 appropriation are provided solely for the increased costs resulting from Engrossed Second Substitute House Bill No. 1477 (school district organization). If the bill is not enacted by June 30, 1999, the amounts in this subsection shall lapse.

(v) \$1,500,000 of the general fund—state appropriation is provided solely for the excellence in mathematics training program as specified in Substitute House Bill No. 1569 (excellence in mathematics). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(w) \$2,000,000 of the public safety and education account appropriation is provided solely for teacher institutes during the summer of 2000, programs, and administration costs, as provided for in Engrossed Second Substitute House Bill No. 2085 (disruptive students). If the bill is not enacted by June 30, 1999, the amount in this subsection shall lapse.

(x) \$100,000 of the general fund—state appropriation is provided solely for support for vocational student leadership organizations.

(y) \$1,100,000 of the general fund—state appropriation is provided for an equal matching grant to the Northeast vocational area cooperative to establish high-technology learning centers to provide college-level technology curriculum for high school students leading to an information technology certificate or degree. Only the following sources may be used as matching for the state funds: Private sector contributions; operating levy revenues; capital levy revenues; technology levy revenues; or other local funds not from federal or state sources.

(z) \$75,000 of the general fund—state appropriation is provided for speech pathology grants to charitable organizations as qualified under the internal revenue code and incorporated under the laws of the state of Washington. These grants shall be used for the purpose of providing childhood speech pathology by nationally certified speech pathologists to children who have demonstrated a lack of verbal communication skills and who would benefit from such a program. Speech pathology services shall be provided at no cost to the child receiving the benefits or to the parents or guardians of the child.

(aa) \$500,000 of the general fund—state appropriation is provided solely for competitive grants to school districts to obtain curriculum or programs that allow high school students to have access to internet-based curriculum that leads directly to higher education credits or provides preparation for tests that lead to higher education credit in subjects including but not limited to mathematics, languages, and science.

(bb) \$1,000,000 of the general fund—state appropriation for fiscal year 2000 and \$1,000,000 of the general fund—state appropriation for fiscal year 2001 is

provided solely for grants to school districts for programs to prepare high school students to achieve information technology industry skills certifications. The funds may be expended to provide or improve internet access; purchase and install networking or computer equipment; train faculty; or acquire curriculum materials. A match of cash or in-kind contributions from nonstate sources equal to at least half of the cash amount of the grant is required. To assure continuity of the curriculum with higher education institutions, the grant program will be designed and implemented by an interagency team comprised of representatives from the office of the superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management. School districts may apply for grants in cooperation with other school districts or community or technical colleges and must demonstrate in the grant application a cooperative relationship with a community or technical college in information technology programs. Preference for grants shall be made to districts with sound technology plans, which offer student access to computers outside of school hours, which demonstrate involvement of the private sector in information technology programs, and which serve the needs of low-income communities.

***NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)**

General Fund—State Appropriation (FY 2000)	\$	3,545,737,000
General Fund—State Appropriation (FY 2001)	\$	3,551,100,000
TOTAL APPROPRIATION	\$	7,096,837,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 1999-00 and 2000-01 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students in grades K-4 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational

students for the 1999-00 school year and the 2000-01 school year. Districts documenting staffing ratios of less than 1 certificated staff per 19.5 students shall be allocated the greater of the total ratio in subsections (2)(a)(i) and (iv) of this section or the actual documented ratio; and

(B) Skills center programs meeting the standards for skill center funding recommended by the superintendent of public instruction, January 1999, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Indirect cost charges, as defined by the superintendent of public instruction, to vocational-secondary programs shall not exceed 10 percent; and

(iii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1999-00 and 2000-01 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 16.97 percent in the 1999-00 and 2000-01 school years for certificated salary allocations provided under subsection (2) of this section, and a rate of 15.75 percent in the 1999-00 and 2000-01 school years for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,117 per certificated staff unit in the 1999-00 school year and a maximum of \$8,271 per certificated staff unit in the 2000-01 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$19,933 per certificated staff unit in the 1999-00 school year and a maximum of \$20,312 per certificated staff unit in the 2000-01 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$15,467 per certificated staff unit in the 1999-00 school year and a maximum of \$15,761 per certificated staff unit in the 2000-01 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$365.28 per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1998-99 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$6,444,000 outside the basic education formula during fiscal years 2000 and 2001 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of

\$457,000 may be expended in fiscal year 2000 and a maximum of \$466,000 may be expended in fiscal year 2001;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended each fiscal year;

(c) A maximum of \$325,000 may be expended for school district emergencies; and

(d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 7.0 percent from the 1998-99 school year to the 1999-00 school year, and 3.4 percent from the 1999-00 school year to the 2000-01 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

*Sec. 502 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year, by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1S; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative

and classified salary allocation amounts shown on LEAP Document 12E for the appropriate year.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate;

(b) "LEAP Document 1S" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 16:55 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 1999-00 and 2000-01 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 18:53 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 16.33 percent for certificated staff and 12.25 percent for classified staff for both years of the biennium.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

1999-00 K-12 Salary Schedule for Certificated Instructional Staff

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	25,716	26,410	27,130	27,850	30,165
1	26,062	26,765	27,494	28,248	30,586
2	26,649	27,367	28,111	28,930	31,284
3	27,527	28,267	29,033	29,895	32,291
4	28,146	28,927	29,705	30,605	33,040
5	28,790	29,581	30,375	31,334	33,785
6	29,161	29,935	30,756	31,765	34,203
7	30,113	30,906	31,747	32,820	35,319
8	31,079	31,915	32,776	33,938	36,471
9		32,960	33,863	35,067	37,659
10			34,964	36,255	38,881
11				37,477	40,161
12				38,660	41,474
13					42,820
14					44,173
15					45,322
16 or more					46,228

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	31,656	30,831	33,146	34,637
1	32,068	31,174	33,511	34,994
2	32,797	31,827	34,181	35,694
3	33,871	32,794	35,189	36,769
4	34,647	33,476	35,910	37,518
5	35,440	34,176	36,627	38,282
6	35,866	34,551	36,989	38,653
7	37,047	35,607	38,105	39,833
8	38,261	36,724	39,257	41,048
9	39,511	37,853	40,446	42,297
10	40,795	39,042	41,668	43,581
11	42,112	40,264	42,948	44,899
12	43,485	41,534	44,261	46,271
13	44,890	42,848	45,607	47,677
14	46,349	44,202	47,047	49,136
15	47,554	45,351	48,270	50,413
16 or more	48,505	46,258	49,236	51,421

2000-01 K-12 Salary Schedule for Certificated Instructional Staff

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	26,487	27,203	27,943	28,686	31,070
1	26,843	27,568	28,319	29,095	31,503
2	27,448	28,189	28,954	29,798	32,223
3	28,352	29,115	29,904	30,792	33,260
4	28,991	29,794	30,596	31,524	34,031
5	29,653	30,469	31,286	32,274	34,798
6	30,036	30,833	31,679	32,718	35,229
7	31,017	31,833	32,699	33,805	36,378
8	32,011	32,873	33,759	34,956	37,565
9		33,949	34,879	36,119	38,789
10			36,013	37,343	40,048
11				38,601	41,366
12				39,820	42,718
13					44,105
14					45,498
15					46,681
16 or more					47,615

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	32,605	31,756	34,140	35,676
1	33,030	32,109	34,517	36,044
2	33,781	32,782	35,207	36,765
3	34,887	33,778	36,245	37,872
4	35,687	34,480	36,988	38,643
5	36,503	35,202	37,726	39,431
6	36,942	35,588	38,099	39,813
7	38,158	36,675	39,249	41,028
8	39,409	37,826	40,435	42,279
9	40,696	38,989	41,659	43,566
10	42,018	40,213	42,918	44,889
11	43,375	41,471	44,236	46,246
12	44,789	42,780	45,589	47,659
13	46,237	44,134	46,975	49,107
14	47,739	45,528	48,459	50,610
15	48,981	46,711	49,719	51,926
16 or more	49,960	47,645	50,713	52,964

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include a 1.67 percent increase for three learning improvement days added in the 1999-00 school year and maintained in the 2000-01 school year. A school district is eligible for the learning improvement day funds for school years 1999-00 and 2000-01, only if three days have been added to the base contract in effect for the 1998-99 school year. If fewer than three days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund—State Appropriation (FY 2000)	\$ 187,659,000
General Fund—State Appropriation (FY 2001)	\$ 348,636,000
TOTAL APPROPRIATION	\$ 536,295,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$412,995,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1999, and another 3.0 percent effective September 1, 2000, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 16.33 percent for certificated staff and 12.25 percent for classified staff. The appropriation also includes 1.67 percent effective September 1, 1999, for three learning improvement days pursuant to section 503(7) of this act and the salary allocation schedule adjustments for beginning and senior certificated instructional staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living, learning improvement days for certificated instructional staff, and incremental fringe benefit allocations based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1999-00 school year and \$1.23 per weighted pupil-mile for the 2000-01 school year;

(ii) For education of highly capable students, an increase of \$14.04 per formula student for the 1999-00 school year and \$21.28 per formula student for the 2000-01 school year; and

(iii) For transitional bilingual education, an increase of \$36.18 per eligible bilingual student for the 1999-00 school year and \$54.99 per eligible student for the 2000-01 school year; and

(iv) For learning assistance, an increase of \$13.98 per entitlement unit for the 1999-00 school year and \$23.16 per entitlement unit for the 2000-01 school year.

(c) The appropriations in this section include \$420,000 for fiscal year 2000 and \$962,000 for fiscal year 2001 for salary increase adjustments for substitute teachers.

(2) \$123,300,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$335.75 per month for the 1999-00 and 2000-01 school years. The appropriations in this section provide for a rate increase to \$388.02 per month for the 1999-00 school year and \$423.57 per month for the 2000-01 school year at the following rates:

(a) For pupil transportation, an increase of \$0.48 per weighted pupil-mile for the 1999-00 school year and \$0.80 for the 2000-01 school year;

(b) For education of highly capable students, an increase of \$3.30 per formula student for the 1999-00 school year and \$5.58 for the 2000-01 school year;

(c) For transitional bilingual education, an increase of \$8.45 per eligible bilingual student for the 1999-00 school year and \$14.22 for the 2000-01 school year; and

(d) For learning assistance, an increase of \$6.65 per funded unit for the 1999-00 school year and \$11.17 for the 2000-01 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2000)	\$ 179,802,000
General Fund—State Appropriation (FY 2001)	\$ 180,925,000
TOTAL APPROPRIATION	\$ 360,727,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$1,475,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$10,000 of the fiscal year 2000 appropriation and \$10,000 of the fiscal year 2001 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$34.99 per weighted mile in the 1999-00 school year and \$35.20 per weighted mile in the 2000-01 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2000)	\$ 3,100,000
General Fund—State Appropriation (FY 2001)	\$ 3,100,000
General Fund—Federal Appropriation	\$ 194,483,000
TOTAL APPROPRIATION	\$ 200,683,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the general fund—state appropriations are provided for state matching money for federal child nutrition programs.

(2) \$175,000 of the general fund—state appropriations are provided for summer food programs for children in low-income areas.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2000)	\$ 392,036,000
General Fund—State Appropriation (FY 2001)	\$ 393,461,000
General Fund—Federal Appropriation	\$ 148,159,000
TOTAL APPROPRIATION	\$ 933,656,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(3) For the 1999-00 and 2000-01 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (4)(c) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(4) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" means the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1999-00 and the 2000-01 school years, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(5) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(6) A maximum of \$12,000,000 of the general fund—state appropriation for fiscal year 2000 and a maximum of \$12,000,000 of the general fund—state appropriation for fiscal year 2001 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (3) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with Substitute Senate Bill No. 5626 (medicaid payments to schools).

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(7) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(8) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

- (a) Staff of the office of superintendent of public instruction;
- (b) Staff of the office of the state auditor;
- (c) Staff of the office of the financial management; and
- (d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(9) A maximum of \$5,500,000 of the general fund—federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students.

(10) A maximum of \$678,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount

is in lieu of money provided through the home and hospital allocation and the special education program.

(11) A maximum of \$1,000,000 of the general fund—federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(12) A school district may carry over from one year to the next year up to 10 percent of general fund—state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund—federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account—State

Appropriation \$ 16,276,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$507,000 may be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1999-00 and 2000-01 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1999-00 and 2000-01 school years.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2000)	\$ 4,547,000
General Fund—State Appropriation (FY 2001)	\$ 4,547,000
TOTAL APPROPRIATION	\$ 9,094,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$250,000 of the general fund appropriation for fiscal year 2000 and \$250,000 of the general fund appropriation for fiscal year 2001 are provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) A maximum of \$500,000 is provided for centers for the improvement of teaching pursuant to RCW 28A.415.010.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2000)	\$ 98,315,000
General Fund—State Appropriation (FY 2001)	\$ 107,973,000
TOTAL APPROPRIATION	\$ 206,288,000

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT

General Fund—Federal Appropriation	\$ 264,388,000
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NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2000)	\$ 20,201,000
General Fund—State Appropriation (FY 2001)	\$ 21,542,000
General Fund—Federal Appropriation	\$ 8,548,000
TOTAL APPROPRIATION	\$ 50,291,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$92,000 of the general fund—state appropriation for fiscal year 2000 and \$143,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2000)	\$ 6,226,000
General Fund—State Appropriation (FY 2001)	\$ 6,220,000
TOTAL APPROPRIATION	\$ 12,446,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$313.27 per funded student for the 1999-00 school year and \$313.39 per funded student for the 2000-01 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$350,000 of the appropriation is for the centrum program at Fort Worden state park.

(4) \$186,000 of the appropriation is for the odyssey of the mind and future problem-solving programs.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2000)	\$ 35,144,000
General Fund—State Appropriation (FY 2001)	\$ 34,355,000
TOTAL APPROPRIATION	\$ 69,499,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$143,000 of the general fund—state appropriation for fiscal year 2000 and \$197,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the commission established under PART I of Substitute Senate Bill No. 5418 or Second Substitute House Bill No. 1462. If neither bill is enacted by June

30, 1999, the amount provided in this subsection shall be used for implementation of education reform and an accountability system by the office of the superintendent of public instruction.

(2) \$11,343,000 of the general fund—state appropriation for fiscal year 2000 and \$10,414,000 of the general fund—state appropriation for fiscal year 2001 are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$6,818,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(5) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(6) \$7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning or its successor, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(9) \$1,598,000 is provided solely for the leadership internship program for superintendents, principals, and program administrators.

(10) \$1,000,000 of the general fund—state appropriation for fiscal year 2000 and \$1,000,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to establish a mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance state-wide, the superintendent of public instruction, shall employ regional school improvement coordinators and mathematics school improvement

specialists to provide assistance to schools and districts. The regional coordinators and specialists shall be hired by and work under the direction of a state-wide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement coordinators and specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(11) A maximum of \$1,000,000 of the general fund—state appropriation is provided to expand the number of summer accountability institutes offered by the superintendent of public instruction and the commission on student learning or its successor. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling but placing an emphasis on mathematics.

(12) \$8,000,000 of the general fund—state appropriation for fiscal year 2000 and \$8,000,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets one of the following conditions:

(i) The program is recommended either by the education commission of the states or the Northwest regional educational laboratory; or

(ii) The program is developed by schools or school districts and is approved by the office of the superintendent of public instruction based on the following criteria:

(A) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(B) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(C) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(D) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(E) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning, interim, and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from July 1, 1999, through August 31, 2001.

(13) \$100,000 of the general fund—state appropriation for fiscal year 2000 and \$227,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for a 15 percent salary bonus for teachers who have attained certification by the national board for professional teaching standards. The bonus is provided in recognition of their outstanding performance. The bonuses shall be provided subject to the following conditions and limitations:

(a) For teachers achieving certification prior to September 1, 1999, the bonus shall begin on September 1, 1999.

(b) Teachers enrolled in the program prior to September 1, 1999, achieving certification during the 1999-2000 school year shall be eligible for the bonus for the number of months during the school year that the individual has achieved certification.

(c) The superintendent shall establish a competitive selection process for teachers desiring to enroll in the program after September 1, 1999, to become eligible for the national certification bonus. Funds are provided for a maximum of 45 bonuses for the 2000-2001 school year. The superintendent shall approve a limited number of the most qualified applicants for potential bonus eligibility to ensure that the number of bonuses does not exceed available funds. The Washington state professional standards board, if created by law, or an advisory committee established by the superintendent of public instruction in consultation with the state board of education if a professional standards board is not created, shall review the national board certification standards to determine whether additional requirements to the national standards are needed to align the national requirements with Washington state standards for teachers and students under education reform.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2000)	.....	\$ 35,136,000
General Fund—State Appropriation (FY 2001)	.....	\$ 36,608,000
TOTAL APPROPRIATION	.....	\$ 71,744,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$648.50 per eligible bilingual student in the 1999-00 and 2000-01 school years, exclusive of salary and benefit adjustments provided in section 503 of this act.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State Appropriation (FY 2000)	.....	\$ 71,205,000
General Fund—State Appropriation (FY 2001)	.....	\$ 75,045,000
TOTAL APPROPRIATION	.....	\$ 146,250,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funding for school district learning assistance programs shall be allocated at maximum rates of \$382.95 per funded unit for the 1999-00 school year and \$383.76 per funded unit for the 2000-01 school year.

(3) A school district's funded units for the 1999-2000 and 2000-01 school years shall be the sum of the following:

(a) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(b) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(c) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(d) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(4) School districts may carry over from one year to the next up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL ENHANCEMENT FUNDS

General Fund—State Appropriation (FY 2000)	\$ 33,095,000
General Fund—State Appropriation (FY 2001)	\$ 27,265,000
TOTAL APPROPRIATION	\$ 60,720,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 1999-00 school year shall be at a maximum annual rate of \$28.81 per full-time equivalent student and \$28.81 per full-time equivalent student for the 2000-01 school year. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small

school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); and

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

NEW SECTION. Sec. 518. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS. State general fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

NEW SECTION. Sec. 519. FOR THE STATE BOARD OF EDUCATION

Education Savings Account—State Appropriation \$ 72,000,000

The appropriation in this section is subject to the following conditions and limitations: \$36,000,000 in fiscal year 2000 and \$36,000,000 in fiscal year 2001 are appropriated to the common school construction account.

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 3.0 percent on July 1, 1999, and a salary increase of 3.0 percent on July 1, 2000.

(c) Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 3.0 percent on July 1, 1999, and an average salary increase of 3.0 percent on July 1, 2000.

(d) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(e) Each institution of higher education receiving appropriations under sections 604 through 609 of this act may provide additional salary increases to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any salary increase granted under the authority of this subsection (2)(e) shall not be included in an institution's salary base. It is the intent of the legislature that general fund—state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(e).

(f) Each institution of higher education may also provide additional salary increases to instructional and research faculty funded from reductions in the maximum level of employer contributions to retirement plans offered pursuant to RCW 28B.10.400. Any salary increase granted under the authority of this subsection (2)(f) shall not be included in an institution's salary base. It is the intent of the legislature that general fund—state support for an institution shall not

increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(f).

(g) To collect consistent data for use by the legislature, the office of financial management, and other state agencies for policy and planning purposes, institutions of higher education shall report personnel data to be used in the department of personnel's human resource data warehouse in compliance with uniform reporting procedures established by the department of personnel.

(h) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 1999-00 and 2000-01 academic years, other than the summer term, may be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges as provided in this subsection.

(a) For the 1999-00 academic year, the governing boards and the state board may implement an increase no greater than four and six-tenths percent over tuition fees charged to full-time students for the 1998-99 academic year.

(b) For the 2000-01 academic year, the governing boards and the state board may implement an increase no greater than three and six-tenths percent over the tuition fees charged to full-time students for the 1999-00 academic year.

(c) For the 1999-01 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(d) The tuition increases adopted under (a), (b) and (c) of this subsection need not apply uniformly across student categories as defined in chapter 28B.15 RCW so long as the increase for each student category does not exceed the percentages specified in this subsection.

(e) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of the operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4) Pursuant to RCW 43.15.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 1999-01 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(5) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized in RCW 28B.15.069.

(6) Each institution receiving appropriations under sections 604 through 609 of this act shall submit a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress towards the achievement of the following long-term performance goals:

Goal

(a) Undergraduate graduation efficiency index: A measure of how efficiently students complete their degrees that takes into consideration the total number of credits earned, dropped, repeated, transferred and required for graduation:

For students beginning as freshmen	95%
For transfer students	90%

(b) Undergraduate student retention: Defined as a percentage of all undergraduate students who return for the next year at the same institution, measured from fall to fall:

Research universities	95%
Comprehensive universities and college	90%

(c) Graduation rates: Defined as the percentage of an entering freshman class at each institution that graduates within five years:

Research universities	65%
Comprehensive universities and college	55%

The plans, to be prepared at the direction of the higher education coordinating board, shall be submitted by August 15, 1999. The higher education coordinating board shall set biennial performance targets for each institution and shall review actual achievements annually. Institutions shall track their actual performance on the state-wide measures as well as faculty productivity, the goals and targets for which may be unique to each institution. A report on progress towards state-wide and institution-specific goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2000.

(7) The state board for community and technical colleges shall develop a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress to achieve the following long-term performance goals:

Goal

(a) Academic students prepared to transfer to baccalaureate institutions based on minimum

transferrable credit hours and minimum required grade point average. 50,000 per year

(b) Basic skill students who demonstrate substantive skill gain as a result of their adult basic education (ABE), English as a second language (ESL), and general education diploma (GED) instruction. 80%

(c) Students prepared for work as measured by vocational degrees and related certificates awarded, including achievement of industry skill standards. 25,000 per year

The board shall set biennial performance targets for each college or district, where appropriate, and shall review actual achievements annually. Colleges shall track their actual performance on the state-wide measures. A report on progress towards the state-wide goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2000.

(8) Institutions receiving appropriations under sections 603 through 609 of this act shall provide enrollment data for students engaged in distance learning to the office of financial management as part of the distance learning enrollment information project.

NEW SECTION. Sec. 602. The appropriations in sections 603 through 609 of this act provide state general fund support or employment and training trust account support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	1999-2000 Annual Average	2000-2001 Annual Average
University of Washington		
Main campus	31,927	32,266
Bothell branch	993	1,136
Tacoma branch	1,143	1,316
Washington State University		
Main campus	17,272	17,649
Spokane branch	472	601
Tri-Cities branch	754	754
Vancouver branch	1,021	1,121
Central Washington University	7,670	7,867
Eastern Washington University	7,739	7,739

The Evergreen State College	3,638	3,713
Western Washington University	10,648	10,761
State Board for Community and Technical Colleges	120,529	123,332
Higher Education Coordinating Board	50	550

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2000)	\$ 455,664,000
General Fund—State Appropriation (FY 2001)	\$ 486,387,000
General Fund—Federal Appropriation	\$ 11,404,000
Employment and Training Trust Account—	
State Appropriation	\$ 1,474,000
TOTAL APPROPRIATION	\$ 954,929,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2000 and \$5,000,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to increase salaries and related benefits for part-time faculty. The state board for community and technical colleges shall allocate these funds to college districts based on the headcount of part-time faculty under contract for the 1998-99 academic year. To earn these funds, a college district must match the state funds with local revenue, the amounts for which shall be determined by the state board. State fund allocations that go unclaimed by a college district shall lapse. The board may provide salary increases to part-time faculty in a total amount not to exceed \$10,000,000 from tuition revenues. The board shall report to the office of financial management and legislative fiscal committees on the distribution of state funds, match requirements of each district, and the wage adjustments for part-time faculty by October 1 of each fiscal year.

(b) Each college district shall examine its current ratio of part-time to full-time faculty by discipline and report to the board a plan to reduce wage disparity and reliance on part-time faculty through salary improvements, conversion of positions to full-time status, and other remedies deemed appropriate given labor market conditions and educational programs offered in each community. The board shall set long-term performance targets for each district with respect to use of part-time faculty and monitor progress annually. The board shall report to the fiscal and higher education committees of the legislature on implementation of this subsection by no later than December 1, 1999, with recommendations for the ensuing biennium provided no later than December 1, 2000.

(3) \$1,155,000 of the general fund—state appropriation for fiscal year 2000 and \$2,345,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$950,000 of the general fund—state appropriation for fiscal year 2000 and \$950,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to lower the part-time faculty retirement eligibility threshold to fifty percent of the full-time workload.

(5) \$332,000 of the general fund—state appropriation for fiscal year 2000 and \$3,153,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for Cascadia Community College start-up and enrollment costs.

(6) \$1,441,000 of the general fund—state appropriation for fiscal year 2000 and \$1,441,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(7) \$27,361,000 of the general fund—state appropriation for fiscal year 2000, \$28,761,000 of the general fund—state appropriation for fiscal year 2001, and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2000 and \$1,000,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$567,000 of the general fund—state appropriation for fiscal year 2000 and \$568,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for administration and customized training contracts through the job skills program.

(10) \$750,000 of the general fund—state appropriation for fiscal year 2000 and \$750,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for grants to expand information technology and computer science programs. Successful grant applications from a college, partnerships of colleges, or partnerships of colleges and K-12 school districts must include a match of cash, in-kind, or donations equivalent to the grant amount. Grant applications shall

receive priority that prepare students to meet industry standards, achieve industry skill certificates, or continue to upper division computer science or computer engineering studies. No college may receive more than \$300,000 from appropriations in this section. The state board for community and technical colleges shall report the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(11) \$1,000,000 of the general fund—state appropriation for fiscal year 2000 and \$1,000,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the Pierce College branch at Puyallup.

(12) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(13) Funding in this section provides for the collection and reporting of Washington enrollment data, and related activities, for the distance learning information project described in section 129 of this act.

NEW SECTION. Sec. 604. FOR UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2000)	\$ 316,592,000
General Fund—State Appropriation (FY 2001)	\$ 334,314,000
Death Investigations Account—State Appropriation	\$ 221,000
Accident Account—State Appropriation	\$ 5,773,000
Medical Aid Account—State Appropriation	\$ 5,815,000
TOTAL APPROPRIATION	\$ 662,715,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,617,000 of the general fund—state appropriation for fiscal year 2000 and \$10,528,000 of the general fund—state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Bothell branch campus.

(2) \$10,147,000 of the general fund—state appropriation for fiscal year 2000 and \$11,438,000 of the general fund—state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tacoma branch campus.

(3) \$2,312,000 of the general fund—state appropriation for fiscal year 2000 and \$2,312,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition

revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(4) \$1,975,000 of the general fund—state appropriation for fiscal year 2000 and \$1,975,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to extend the next-generation internet hub and related expertise.

(5) \$200,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$136,000 of the general fund—state appropriation for fiscal year 2000 and \$137,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund—state appropriation for fiscal year 2000 and \$75,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the dental education in care of persons with disabilities program.

(9) \$904,000 of the accident account and medical aid account appropriations is provided solely for a bio-contaminant laboratory and consultation service in the department of environmental health.

(10) For the 1999-01 biennium, five percent of tuition and fee revenue collected from law students may be used when privately matched dollar-for-dollar to provide public interest law scholarships to enrolled students at the university.

(11) \$958,000 of the general fund—state appropriation for fiscal year 2000 and \$958,000 of the general fund—state appropriation for fiscal year 2001 are provided for the mathematics, engineering, science achievement (MESA) program.

(12) \$1,250,000 of the general fund—state appropriation for fiscal year 2000 and \$1,250,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2000)	\$ 183,551,000
General Fund—State Appropriation (FY 2001)	\$ 197,015,000
Air Pollution Control Account—State	
Appropriation	\$ 198,000
TOTAL APPROPRIATION	\$ 380,764,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,702,000 of the general fund—state appropriation for fiscal year 2000 and \$7,980,000 of the general fund—state appropriation for fiscal year 2001 are

provided for upper division and graduate courses and other educational services offered at the Spokane branch campus.

(2) \$5,134,000 of the general fund—state appropriation for fiscal year 2000 and \$5,325,000 of the general fund—state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Tri-Cities branch campus.

(3) \$8,537,000 of the general fund—state appropriation for fiscal year 2000 and \$10,164,000 of the general fund—state appropriation for fiscal year 2001 are provided for upper division and graduate courses and other educational services offered at the Vancouver branch campus.

(4) \$1,438,000 of the general fund—state appropriation for fiscal year 2000 and \$1,438,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(5) \$565,000 of the general fund—state appropriation in fiscal year 2000 and \$340,000 of the general fund—state appropriation in fiscal year 2001 are provided for learning centers in Skagit, Walla Walla, and Grays Harbor counties.

(6) \$500,000 of the general fund—state appropriation for fiscal year 2000 and \$3,750,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the safe food initiative. Of these amounts, \$500,000 each fiscal year is provided solely for the commission on pesticide registration.

(7) \$44,000 of the general fund—state appropriation for fiscal year 2000 and \$44,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for research efforts to develop suitable and economical alternatives to field burning of grass seed harvest residue.

(8) \$165,000 of the general fund—state appropriation for fiscal year 2000 and \$166,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2000 and \$750,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for research faculty clusters in the advanced technology initiative program.

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2000)	\$ 41,620,000
General Fund—State Appropriation (FY 2001)	\$ 43,345,000

TOTAL APPROPRIATION \$ 84,965,000

The appropriations in this section are subject to the following conditions and limitations: \$375,000 of the general fund—state appropriation for fiscal year 2000 and \$375,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2000)	\$ 41,898,000
General Fund—State Appropriation (FY 2001)	\$ 44,465,000
TOTAL APPROPRIATION	\$ 86,363,000

The appropriations in this section are subject to the following conditions and limitations: \$312,000 of the general fund—state appropriation for fiscal year 2000 and \$312,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment, retention, and equity salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation (FY 2000)	\$ 22,359,000
General Fund—State Appropriation (FY 2001)	\$ 24,233,000
TOTAL APPROPRIATION	\$ 46,592,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$188,000 of the general fund—state appropriation for fiscal year 2000 and \$188,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified

staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The college shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

(2) \$101,000 of the general fund—state appropriation for fiscal year 2000 and \$102,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the institute for public policy to complete studies of services described in subsection 202(1) of this act. If that subsection is not enacted, the amounts provided in this subsection shall lapse.

(3) \$40,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for the institute for public policy to facilitate a work group pursuant to Second Substitute House Bill No. 1692 or sections 1 through 7 of Senate Bill No. 5127 (child abuse investigations). If neither of these bills are enacted by June 30, 1999, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2000)	\$ 53,293,000
General Fund—State Appropriation (FY 2001)	\$ 56,272,000
TOTAL APPROPRIATION	\$ 109,565,000

The appropriations in this section are subject to the following conditions and limitations: \$375,000 of the general fund—state appropriation for fiscal year 2000 and \$375,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments. The university shall provide a report in their 2001-03 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this section.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD—POLICY COORDINATION AND ADMINISTRATION

General Fund—State Appropriation (FY 2000)	\$ 4,458,000
General Fund—State Appropriation (FY 2001)	\$ 8,027,000
General Fund—Federal Appropriation	\$ 653,000
TOTAL APPROPRIATION	\$ 13,138,000

The appropriations in this section are provided to carry out the accountability, performance measurement, policy coordination, planning, studies and

administrative functions of the board and are subject to the following conditions and limitations:

(1) The board shall review, recommend changes if necessary, and approve plans defined in section 601(6) of this act for achieving measurable and specific improvements in academic years 1999-00 and 2000-01.

(2) \$280,000 of the general fund—state appropriation for fiscal year 2000 and \$280,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.585 (rural natural resources impact areas). The number of students served shall be 50 full-time equivalent students per fiscal year. The board shall ensure that enrollments reported under this subsection meet the criteria outlined in RCW 28B.80.570 through 28B.80.585.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2000 and \$4,650,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to contract for 500 full-time equivalent undergraduate students in high-demand fields and programs as evidenced by limited current access, despite graduates who are highly sought after by employers of this state. The board shall consult with the office of financial management and the legislative fiscal and higher education committees to design and implement a bidding process to solicit proposals from public institutions to deliver these student enrollments. Participating institutions shall cooperate with the board to collect the data necessary to report to the governor and the legislature on the impact of this subsection, particularly the degree of improved access to high-demand fields and programs for students and successful job placements for graduates.

(4) \$1,000,000 of the general fund—state appropriation for fiscal year 2000 and \$1,000,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for competitive grants to public baccalaureate institutions to expand information technology programs. Successful grant applications to fund faculty, staff, or equipment for computer science, computer engineering, or related disciplines must include a match of nonstate cash or donations equivalent to the grant amount. No institution may receive more than \$1,000,000 from appropriations in this section. The board shall report on the implementation of this section to the governor and legislative fiscal committees by June 30, 2001, including plans of successful grant recipients for the continuation of programs funded by this section.

(5) \$600,000 of the general fund—state appropriation for fiscal year 2000 is provided solely for the higher education coordinating board fund for innovation and quality under RCW 28B.120.040. If Substitute House Bill No. 1013 is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(6) \$150,000 of the general fund—state appropriation for fiscal year 2000 and \$150,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to implement Second Substitute House Bill No. 1729 (teacher training pilot

program). If Second Substitute House Bill No. 1729 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(7) With funding provided in this section, the higher education coordinating board, in cooperation with the office of financial management and the state board for community and technical colleges, shall study the feasibility of collecting Washington enrollment data on distance learning programs sponsored by private institutions in Washington as well as by institutions outside the state of Washington, and it shall report findings to the legislature by January, 2000.

(8) \$432,000 of the general fund—state appropriation for fiscal year 2000 and \$68,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD—FINANCIAL AID AND GRANT PROGRAMS

General Fund—State Appropriation (FY 2000)	\$ 106,945,000
General Fund—State Appropriation (FY 2001)	\$ 117,807,000
General Fund—Federal Appropriation	\$ 2,422,000
Advanced College Tuition Payment Program Account—	
State Appropriation	\$ 3,408,000
TOTAL APPROPRIATION	\$ 230,582,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$534,000 of the general fund—state appropriation for fiscal year 2000 and \$529,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the displaced homemakers program.

(2) \$220,000 of the general fund—state appropriation for fiscal year 2000 and \$225,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the western interstate commission for higher education.

(3) \$1,000,000 of the general fund—state appropriation for fiscal year 2000 and \$1,000,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to implement an aid program for the benefit of elementary and secondary public school teachers who do not now hold a masters of education degree. Within available funds and until these funds are exhausted, the board may repay all or a portion of the educational expenses incurred by a teacher, or teacher candidate, for one year of masters' level studies at an accredited Washington college or university. Payment is conditioned upon the applicant's successful matriculation and resumption, or assumption, of classroom teaching duties in a public elementary or secondary school in this state. Among the potential applicants for this program, the board shall give priority to those individuals who returned to the classroom with a math or science teaching credential. The board may adopt rules as necessary to implement this program.

(4) \$1,000,000 of the general fund—state appropriation for fiscal year 2000 and \$1,000,000 of the general fund—state appropriation for fiscal year 2001 are

provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$75,000 of the general fund—state appropriation for fiscal year 2000 and \$75,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5277 (higher education student child care matching grants). In no case shall funds provided in this subsection be used to construct or remodel facilities. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

(6) \$103,686,000 of the general fund—state appropriation for fiscal year 2000 and \$114,700,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for student financial aid, including all administrative costs. Of these amounts:

(a) \$80,240,000 of the general fund—state appropriation for fiscal year 2000 and \$87,696,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program;

(b) \$15,350,000 of the general fund—state appropriation for fiscal year 2000 and \$15,350,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program;

(c) \$2,920,000 of the general fund—state appropriation for fiscal year 2000 and \$2,920,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington;

(d) A maximum of 2.1 percent of the general fund—state appropriation for fiscal year 2000 and 2.1 percent of the general fund—state appropriation for fiscal year 2001 may be expended for financial aid administration, excluding the 4 percent state work study program administrative allowance provision;

(e) \$230,000 of the general fund—state appropriation for fiscal year 2000 and \$201,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the educator's excellence awards. Any educator's excellence moneys not awarded by April 1st of each year may be transferred by the board to either the Washington scholars program or to the Washington award for vocational excellence;

(f)(i) \$1,361,000 of the general fund—state appropriation for fiscal year 2000 and \$1,548,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or to the Washington award for vocational excellence;

(ii) Of the amounts in (f)(i) of this subsection, \$25,000 of the general fund—state appropriation for fiscal year 2000 and \$207,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to implement Second Substitute House Bill No. 1661 (Washington scholars program). If Second Substitute House Bill No. 1661 is not enacted prior to June 30, 1999, then the amounts provided in this subsection (6)(f)(ii) shall lapse;

(g) \$534,000 of the general fund—state appropriation for fiscal year 2000 and \$534,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or the Washington scholars program;

(h) \$251,000 of the general fund—state appropriation for fiscal year 2000 and \$251,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. No organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation; and

(i) \$2,800,000 of the general fund—state appropriation for fiscal year 2000 and \$6,200,000 of the general fund—state appropriation for fiscal year 2001 are provided solely to establish the Washington promise scholarship program subject to the following conditions and limitations:

(i) Within available funds, the higher education coordinating board shall award scholarships for use at accredited institutions of higher education in the state of Washington to as many students as possible from among those qualifying under (iv) and (v) of this subsection. Each qualifying student will receive two consecutive annual installments, the value of each not to exceed the full-time annual resident tuition rates charged by community colleges.

(ii) Of the amounts provided, no more than \$250,000 each year is for administration of the Washington promise scholarship program.

(iii) The Washington's promise scholarship account is created in the custody of the state treasurer. The account shall be a discrete nonappropriated account. Other than funds provided for program administration, the higher education coordinating board shall deposit in this account all money received for the

program. The account shall be self-sustaining and consist of funds appropriated by the legislature for these scholarships, private contributions, and receipts from refunds of tuition and fees.

(iv) Seniors in the top ten percent of their individual Washington state high school class in 1999 and whose family income does not exceed one hundred and thirty-five percent of the state's median family income, adjusted for family size qualify for a scholarship in fiscal year 2000.

(v) Seniors in the top fifteen percent of their individual Washington state high school class in 2000 and whose family income does not exceed one hundred thirty-five percent of the state's median family income, adjusted for family size qualify for a scholarship in fiscal year 2001.

(vi) For students eligible under subsections (iv) and (v) of this subsection, the superintendent of public instruction shall provide the higher education coordinating board with the names, addresses, and unique numeric identifiers of students in the top ten percent, or top fifteen percent, as appropriate in each of the respective high school senior classes in Washington state. This shall be provided no later than August 1 of each year.

(vii) Scholarships awarded under this section may only be used at accredited institutions of higher education in the state of Washington for college-related expenses, including but not limited to, tuition, room and board, books, materials, and transportation. The Washington promise scholarship award shall not supplant other scholarship awards, financial aid, or tax programs related to postsecondary education. Scholarships may not be transferred or refunded to students.

(viii) The higher education coordinating board shall evaluate the impact and effectiveness of the Washington promise scholarship program. The evaluation shall include, but not be limited to: (A) An analysis of other financial assistance promise scholarship recipients are receiving through other federal, state, and institutional programs, including grants, work study, tuition waivers, tax credits, and loan programs; (B) an analysis of whether the implementation of the promise scholarship program has had an impact on student indebtedness; and (C) an evaluation of what types of students are successfully completing high school but do not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient. The board shall report its findings to the governor and the legislature by November 1, 2001.

(ix) The higher education coordinating board may adopt rules as necessary to implement this program.

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2000)	\$	1,124,000
General Fund—State Appropriation (FY 2001)	\$	1,123,000
General Fund—Federal Appropriation	\$	34,408,000
TOTAL APPROPRIATION	\$	36,655,000

NEW SECTION. Sec. 613. FOR WASHINGTON STATE LIBRARY

General Fund—State Appropriation (FY 2000)	\$ 8,400,000
General Fund—State Appropriation (FY 2001)	\$ 8,198,000
General Fund—Federal Appropriation	\$ 8,859,000
TOTAL APPROPRIATION	\$ 25,457,000

The appropriations in this section are subject to the following conditions and limitations: At least \$2,763,219 shall be expended for a contract with the Seattle public library for library services for the Washington book and braille library.

NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2000)	\$ 2,314,000
General Fund—State Appropriation (FY 2001)	\$ 2,562,000
General Fund—Federal Appropriation	\$ 1,000,000
TOTAL APPROPRIATION	\$ 5,876,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 from the fiscal year 2000 general fund—state appropriation is provided solely for the arts in education program, arts organization funding, and for new arts funding for underserved communities. During fiscal year 2000, the agency shall prepare a strategic plan. The plan shall be submitted to the governor and appropriate committees of the legislature by July 1, 2000.

(2) \$500,000 from the fiscal year 2001 general fund—state appropriation is contingent upon the completion of the strategic plan required in subsection (1) of this section. If the strategic plan is not completed by July 1, 2000, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2000)	\$ 2,646,000
General Fund—State Appropriation (FY 2001)	\$ 2,661,000
TOTAL APPROPRIATION	\$ 5,307,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for activities related to the Lewis and Clark Bicentennial.

(2) \$25,000 of the general fund—state appropriation for fiscal year 2000 and \$25,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for the purchase and replacement costs of historic elm trees along Des Moines memorial drive. These funds shall be allocated to the Highline historical society.

NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2000)	\$ 1,176,000
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General Fund—State Appropriation (FY 2001)	\$	1,344,000
TOTAL APPROPRIATION	\$	2,520,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$415,000 of the general fund—state appropriation for fiscal year 2000 and \$269,000 of the general fund—state appropriation for fiscal year 2001 are provided for temporary relocation of the Cheney Cowles museum operations.

(2) \$311,000 of the general fund—state appropriation for fiscal year 2001 is provided for the building operation and maintenance of the Cheney Cowles museum addition.

NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2000)	\$	3,986,000
General Fund—State Appropriation (FY 2001)	\$	4,006,000
General Fund—Private/Local Appropriation	\$	644,000
TOTAL APPROPRIATION	\$	8,636,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF

General Fund—State Appropriation (FY 2000)	\$	6,704,000
General Fund—State Appropriation (FY 2001)	\$	6,686,000
TOTAL APPROPRIATION	\$	13,390,000

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation (FY 2000)	\$	604,672,000
General Fund—State Appropriation (FY 2001)	\$	455,689,000
State Building Construction Account—State Appropriation	\$	4,168,000
Debt-Limit Reimbursable Bond Retirement Account— State Appropriation	\$	2,574,000
TOTAL APPROPRIATION	\$	1,067,103,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2000 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2000.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND

REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account—State

Appropriation	\$ 32,575,000
Accident Account—State Appropriation	\$ 5,080,000
Medical Aid Account—State Appropriation	\$ 5,080,000
TOTAL APPROPRIATION	\$ 42,735,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund—State Appropriation (FY 2000)	\$ 23,806,000
General Fund—State Appropriation (FY 2001)	\$ 23,445,000
Higher Education Construction Account—State	
Appropriation	\$ 118,000
Nondebt-Limit Reimbursable Bond Retirement	
Account—State Appropriation	\$ 106,498,000
Stadium and Exhibition Center Construction—State	
Appropriation	\$ 1,250,000
TOTAL APPROPRIATION	\$ 155,117,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Nondebt-Limit Revenue Bond Retirement Account—

State Appropriation	\$ 1,229,000
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NEW SECTION. Sec. 705. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2000)	\$ 567,000
General Fund—State Appropriation (FY 2001)	\$ 568,000
Higher Education Construction Account—State	
Appropriation	\$ 30,000
State Building Construction Account—State	
Appropriation	\$ 1,237,000
Public Safety Reimbursable Bond Account—State	

Appropriation	\$	3,000
Stadium/Exhibition Center Construction		
Account—State Appropriation	\$	250,000
TOTAL APPROPRIATION	\$	2,655,000
Total Bond Retirement and Interest Appropriations		
contained in sections 701 through 705 of this		
act	\$	1,268,839,000

NEW SECTION. Sec. 706. FOR THE GOVERNOR—TORT DEFENSE SERVICES

General Fund—State Appropriation (FY 2000)	\$	1,632,000
General Fund—State Appropriation (FY 2001)	\$	1,633,000
Tort Defense Services Revolving Account	\$	3,265,000
TOTAL APPROPRIATION	\$	6,530,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund agency tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND

General Fund—State Appropriation (FY 2000)	\$	850,000
General Fund—State Appropriation (FY 2001)	\$	850,000
TOTAL APPROPRIATION	\$	1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FIRE CONTINGENCY POOL. The sum of three million dollars or so much thereof as may be available on June 30, 1999, from the total amount of unspent fiscal year 1999 fire contingency funding in the disaster response account, is appropriated for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT—IMPLEMENTATION OF COLLECTIVE BARGAINING

General Fund—State Appropriation (FY 2000)	\$	2,500,000
General Fund—State Appropriation (FY 2001)	\$	2,500,000
Department of Personnel Service Account		
Appropriation	\$	122,000

Special Payroll System Revolving Account

Appropriation	\$ 5,000,000
TOTAL APPROPRIATION	\$ 10,122,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to address workload impacts resulting from the implementation of Substitute Senate Bill No. 5363 (state employee collective bargaining). If this bill is not enacted by June 30, 1999, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 710. FOR THE EDUCATION TECHNOLOGY REVOLVING ACCOUNT. The sum of \$8,200,000 from the general fund and \$6,600,000 from the K-20 technology account are appropriated for fiscal year 2000 to the education technology revolving account.

NEW SECTION. Sec. 711. FOR THE AGRICULTURAL COLLEGE TRUST MANAGEMENT ACCOUNT

Resource Management Cost Account Appropriation	\$ 2,632,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be deposited in the agricultural college trust management account.

NEW SECTION. Sec. 712. FOR THE SALMON RECOVERY ACCOUNT

General Fund—State Appropriation (FY 2000)	\$ 4,500,000
General Fund—State Appropriation (FY 2001)	\$ 4,500,000
Resource Management Cost Account	
Appropriation	\$ 5,900,000
Aquatic Lands Enhancement Account	
Appropriation	\$ 475,000
Water Quality Account Appropriation	\$ 7,163,000
TOTAL APPROPRIATION	\$ 22,538,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be deposited in the salmon recovery account.

NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT—YEAR 2000 ALLOCATIONS

General Fund—State Appropriation (FY 2000)	\$ 5,000,000
General Fund—Federal Appropriation	\$ 462,000
Hospital Commission Account—State	
Appropriation	\$ 19,000
Health Professions Account—State	
Appropriation	\$ 182,000
Certified Public Accountants' Account—State	
Appropriation	\$ 5,000
Safe Drinking Water Account—State	

Appropriation	\$	96,000
Water Quality Permit Account—State		
Appropriation	\$	258,000
State Health Care Authority Administrative		
Account—State Appropriation	\$	1,456,000
Year 2000 Contingency Revolving Account—State		
Appropriation	\$	10,000,000
Accident Account—State Appropriation	\$	150,000
Medical Aid Account—State Appropriation	\$	150,000
TOTAL APPROPRIATION	\$	17,778,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations will be allocated by the office of financial management to agencies to resolve year 2000 issues. Agencies shall submit their estimated costs to resolve year 2000 issues to the office of financial management.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the year 2000 contingency revolving account, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 714. FOR THE GOVERNOR—EXTRAORDINARY CRIMINAL JUSTICE COSTS. \$1,200,000 of the public safety and education account, or so much thereof as may be necessary, is appropriated solely for providing financial assistance in the 1999-01 biennium to Okanogan county for extraordinary criminal justice costs incurred in the adjudication of an aggravated homicide case. The office of financial management, in consultation with Okanogan county, shall determine the amount to be paid based on an assessment of the portion of the costs associated with the homicide case which is disproportionate relative to the county's criminal justice resources. The amount paid under this section shall not exceed eighty percent of the total costs associated with the investigation, prosecution, indigent defense, jury impanelment, expert witness, interpreters, incarceration, and other adjudication costs of the case. On January 1, 2000, any unexpended funds of the amount appropriated in this section shall lapse and revert to the public safety and education account.

NEW SECTION. Sec. 715. FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation \$ 1,440,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 1999-01 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred

prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 716. FOR THE STATE TREASURER—FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation \$ 960,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 1999-01 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 717. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 718. For the period from July 1, 1999, through June 30, 2001, a one hundred fifty thousand dollar death benefit shall be paid as a sundry claim to a teacher's estate if the teacher is killed in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the director of the department of general administration if a teacher's estate is determined to be eligible for payment under this section.

NEW SECTION. Sec. 719. FOR THE GOVERNOR—COMPENSATION—INSURANCE BENEFITS

General Fund—State Appropriation (FY 2000) \$ 10,401,000
General Fund—State Appropriation (FY 2001) \$ 26,095,000
General Fund—Federal Appropriation \$ 12,987,000
General Fund—Private/Local Appropriation \$ 747,000
Salary and Insurance Increase Revolving Account

Appropriation	\$ 25,941,000
TOTAL APPROPRIATION	\$ 75,166,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums shall not exceed \$375.50 per eligible employee for fiscal year 2000, and \$410.53 for fiscal year 2001.

(b) The monthly employer funding rate for the operating costs of the health care authority shall not exceed \$12.52 per eligible employee for fiscal year 2000, and \$13.04 for fiscal year 2001.

(c) An additional \$2.42 per eligible employee shall be included in the employer funding rate for fiscal years 2000 and 2001 to repay the public employees' and retirees' insurance account for any claims paid as a result of a court-approved stipulated settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1).

(d) An additional \$0.71 per eligible employee shall be included in the employer funding rate for fiscal year 2000, and an additional \$1.47 per eligible employee shall be included in the employer funding rate for fiscal year 2001, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(e) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without prior legislative authorization.

(f) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium copayments, increase point-of-service cost sharing, and/or implement managed competition.

(g) The health care authority shall use funds accruing to the public employees' and retirees' insurance account in fiscal year 1999 from payments made by the standard insurance company to the state of Washington related to the state's basic long-term disability plan, for insurance costs in the 1999-2001 biennium.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2000 through December 31, 2000, the subsidy shall be \$62.48. Starting January 1, 2001, the subsidy shall be \$69.98 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$22.03 per month beginning September 1, 1999, and \$25.06 beginning September 1, 2000;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$22.03 each month beginning September 1, 1999, and \$25.06 beginning September 1, 2000, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1999-01 transportation appropriations act.

(6) The allocations to agencies and institutions under this section reflect a reduction of \$3,982,000 general fund—state for fiscal year 2000, an increase of \$458,000 general fund—state for fiscal year 2001, and reductions of \$1,330,000 general fund—federal, \$74,000 general fund—local, and \$3,342,000 salary and insurance increase revolving account, to reflect savings resulting from the implementation of employer pension rate reductions on July 1, 1999.

NEW SECTION. Sec. 720. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 1999, consistent with chapter 41.45 RCW as amended by this act, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund—State Appropriation (FY 2000)	.....	\$	16,320,000
General Fund—State Appropriation (FY 2001)	.....	\$	18,050,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2000)	.....	\$	7,000,000
General Fund—State Appropriation (FY 2001)	.....	\$	7,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund—State Appropriation (FY 2000)	\$	750,000
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General Fund—State Appropriation (FY 2001)	\$	750,000
TOTAL APPROPRIATION	\$	49,870,000

NEW SECTION. Sec. 721. **PLAN 2 AND PLAN 3 EARLY RETIREMENT REDUCTION FACTORS STUDY.** The joint committee on pension policy shall study options for reducing the early retirement actuarial reduction factors in the law enforcement officers' and fire fighters' retirement system plan 2, the public employees' retirement system plan 2, and the teachers' retirement system, plans 2 and 3. The study shall include a review of possible employer and member contribution rate reductions in the 2001-2003 biennium. In developing its recommendations the committee shall take into consideration state and local government fiscal capacity, the changing nature of the work force and employment patterns, and issues of cost-shifting between employees of different age groups. The joint committee shall report its findings to the legislature by January 15, 2000.

***NEW SECTION.** Sec. 722. **FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—PENSION ADVISORY COMMITTEE**

Department of Retirement Systems Expense Account

<i>Appropriation</i>	<i>\$</i>	<i>181,000</i>
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The appropriation in this section is subject to the following conditions and limitations:

(1) The state pension advisory committee is created in the department of retirement systems for the period July 1, 1999, through June 30, 2001. The committee membership shall consist of: (a) Four active members of the state retirement systems, to be appointed by the governor; (b) three retired members of the state retirement systems, appointed by the governor; (c) three local government employer representatives, to be appointed by the governor; (d) the director of the department of retirement systems; and (e) the director of the office of financial management. The governor shall appoint one of the committee members to be committee chair.

(2) Within the level of funding provided in this section, the state pension advisory committee shall review changes in state pension benefits which have been enacted since 1990 and may make recommendations to the joint committee on pension policy regarding: (a) Major pension system priorities and goals for the next five to ten years; (b) proposals for promoting equity between state pension systems; and (c) a prioritized list of proposed pension system changes.

In developing its recommendations the committee shall take into consideration constraints on the state's and local government's fiscal capacity, the changing nature of the work force and employment patterns, issues of cost-shifting between employees groups, and disproportionalities between how much employees in different age groups would pay in increased contributions for a benefit increase compared to the value of the benefit increase.

The committee shall also advise the department of retirement systems regarding the content and design of the department's annual report on the state retirement systems.

The committee shall report its recommendations, if any, to the joint committee on pension policy no later than June 1, 2000.

(3) Committee staff support shall be provided by one professional position employed by the department of retirement systems from the funding provided in this section.

(4) In conducting its review the pension advisory committee shall, to the greatest extent feasible, make use of fiscal notes, studies, and other analysis which has already been completed by the office of the state actuary. The committee may also expend not more than \$60,000 for actuarial services to assist with: (a) Committee education, including a review of tax-deferred savings options available to public employees; (b) the development of recommendations as provided in subsection (2) of this section; and (c) the review and evaluation of fiscal notes and analysis done by the office of the state actuary. The contract for actuarial services shall be entered into by the department of retirement systems for the committee.

*Sec. 722 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 723. SALARY COST OF LIVING ADJUSTMENT

General Fund—State Appropriation (FY 2000)	\$ 33,614,000
General Fund—State Appropriation (FY 2001)	\$ 68,186,000
General Fund—Federal Appropriation	\$ 31,436,000
General Fund—Private/Local Appropriation	\$ 2,001,000
Salary and Insurance Increase Revolving Account	
Appropriation	\$ 72,609,000
TOTAL APPROPRIATION	\$ 207,846,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent salary increase effective July 1, 2000, for all classified employees, including those employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board.

(2) The appropriations in this section are sufficient to fund a 3.0 percent salary increase effective July 1, 1999, and a 3.0 percent increase effective July 1, 2000, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.0 percent salary increase effective July

1, 1999, and a 3.0 percent salary increase effective July 1, 2000, for ferry workers consistent with the 1999-01 transportation appropriations act.

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(b) The average salary increases paid under this section and section 724 of this act to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided by subsection (2) of this section.

(5) The appropriations in this section include \$1,498,000 general fund—state for fiscal year 2000, \$1,765,000 general fund—state for fiscal year 2001, and a reduction of \$3,263,000 general fund—federal for the department of social and health services to adjust employer pension funding levels to reflect historical fund source ratios.

NEW SECTION. Sec. 724. FOR THE GOVERNOR—SALARY INCREASES FOR DIRECTORS AND BOARD MEMBERS

General Fund—State Appropriation (FY 2000)	..... \$	54,000
General Fund—State Appropriation (FY 2001)	..... \$	54,000
Salary and Insurance Increase Revolving Account		
Appropriation	..... \$	42,000
TOTAL APPROPRIATION	..... \$	150,000

The appropriations in this section are subject to the following conditions and limitations: Appropriations in this section are provided solely for salary increases for directors and board members whose salary ranges are set by the state committee on agency officials' salaries. Salary increases for individual directors and board members shall be at the sole discretion of the governor in accordance with RCW 43.03.040.

NEW SECTION. Sec. 725. FOR THE ATTORNEY GENERAL—SALARY ADJUSTMENTS

General Fund—State Appropriation (FY 2000)	..... \$	1,014,000
General Fund—State Appropriation (FY 2001)	..... \$	2,371,000
Attorney General Salary Increase Revolving Account		
Appropriation	..... \$	3,385,000
TOTAL APPROPRIATION	..... \$	6,770,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for salary adjustments for assistant attorneys general effective July 1, 1999, and effective July 1, 2000 to address recruitment and retention problems. The attorney general shall develop a plan for identifying and targeting increases to those positions which are experiencing the greatest recruitment and retention difficulties and shall provide a copy of the plan to the office of financial management and the fiscal committees of the senate and house of representatives no later than October 1, 2000.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the attorney general salary increase revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund—State Appropriation (FY 2000)	\$	28,000
General Fund—State Appropriation (FY 2001)	\$	34,000
General Fund—Federal Appropriation	\$	3,000
TOTAL APPROPRIATION	\$	65,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to pay the increased retirement contributions resulting from enactment of House Bill No. 1023 (TRS 3 gain sharing). If the bill is not enacted by June 30, 1999, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD

General Fund—State Appropriation (FY 2000)	\$	6,543,000
General Fund—State Appropriation (FY 2001)	\$	6,543,000
General Fund—Federal Appropriation	\$	3,343,000
General Fund—Private/Local Appropriation	\$	173,000
Salary and Insurance Increase Revolving Account		
Appropriation	\$	22,783,000
TOTAL APPROPRIATION	\$	39,385,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided to implement the salary increase recommendations of the Washington personnel resources board for the top 26 priority classes identified pursuant to RCW 41.06.152. The salary increases shall be effective July 1, 1999.

NEW SECTION. Sec. 728. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PERSONNEL RESOURCES BOARD'S SALARY SURVEY FOR STATE AND HIGHER EDUCATION EMPLOYEES

General Fund—State Appropriation (FY 2000)	\$	2,805,000
General Fund—State Appropriation (FY 2001)	\$	2,805,000
General Fund—Federal Appropriation	\$	1,446,000
Salary and Insurance Increase Revolving Account		
Appropriation	\$	13,014,000
TOTAL APPROPRIATION	\$	20,070,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) Funding is provided in sufficient amounts to bring the current salary range to within 10 ranges of their market rate, including any cost-of-living adjustments and associated benefit costs, those state and higher education classified and exempt classes under the Washington personnel resources board whose current base salary is greater than 10 ranges from their approved survey applied salary range as determined under RCW 41.06.160.

(2) Implementation of the salary adjustments for the various classifications is effective July 1, 1999. For purposes of this section, the current salary range for any job class that receives an increase under section 727 of this act shall be the salary range for the class following the increase provided in section 727 of this act.

NEW SECTION. Sec. 729. **INCENTIVE SAVINGS—FY 2000.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2000, from the total amount of unspent fiscal year 2000 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

NEW SECTION. Sec. 730. **INCENTIVE SAVINGS—FY 2001.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2001, from the total amount of unspent fiscal year 2001 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

NEW SECTION. Sec. 731. RESOURCE COST MANAGEMENT ACCOUNT LOAN. The state treasurer is authorized, upon the request of the board of natural resources, to transfer up to \$4,000,000 from the forest development account to the resource management cost account. The loan, together with interest at a rate determined by the state treasurer, shall be repaid to the forest development account by June 30, 2005.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance	
premiums distribution	\$ 6,617,250
General Fund Appropriation for public utility	
district excise tax distribution	\$ 35,876,898
General Fund Appropriation for prosecuting attorneys	
salaries	\$ 2,960,000
City Police and Fire Protection Assistance	
Account Appropriation	\$ 95,667,000
General Fund Appropriation for camper and travel	
trailer excise tax distribution	\$ 4,325,826
General Fund Appropriation for boating	
safety/education and law enforcement	
distribution	\$ 3,616,000
Aquatic Lands Enhancement Account Appropriation	
for harbor improvement revenue distribution	\$ 138,000
Liquor Excise Tax Account Appropriation for liquor	
excise tax distribution	\$ 25,580,000
Liquor Revolving Fund Appropriation for liquor	
profits distribution	\$ 52,269,932
Timber Tax Distribution Account Appropriation	
for distribution to "Timber" counties	\$ 74,025,900
Municipal Sales and Use Tax Equalization Account	
Appropriation	\$ 84,851,000
County Sales and Use Tax Equalization Account	
Appropriation	\$ 13,147,000
Death Investigations Account Appropriation for	
distribution to counties for publicly funded	
autopsies	\$ 1,375,332
County Criminal Justice Account Appropriation	\$ 103,169,000

Municipal Criminal Justice Account

Appropriation	\$ 40,269,000
County Public Health Account Appropriation	\$ 51,520,250
TOTAL APPROPRIATION	\$ 595,408,380

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$ 56,150,492.
General Fund Appropriation for federal flood control funds distribution	\$ 4,000
General Fund Appropriation for federal grazing fees distribution	\$ 52,000
General Fund Appropriation for distribution of federal funds to counties in conformance with P.L. 97-99 Federal Aid to Counties	\$ 1,281,266
TOTAL APPROPRIATION	\$ 57,487,758

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 803. FOR THE STATE TREASURER—TRANSFERS

General Fund: For transfer to the Water Quality Account	\$ 83,423,000
General Fund: For transfer to the Flood Control Assistance Account	\$ 4,000,000
State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account	\$ 3,800,000
Water Quality Account: For transfer to the Water Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit	\$ 16,350,000
State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2001, an amount up to \$10,000,000 in excess of the cash requirements of the State Treasurer's Service	

Account	\$	10,000,000
Public Works Assistance Account: For transfer to the Drinking Water Assistance Account	\$	7,700,000
County Sales and Use Tax Equalization Account: For transfer to the County Public Health Account	\$	2,577,664
Public Health Services Account: For transfer to the County Public Health Account	\$	1,056,000
State Emergency Water Projects Revolving Account: For transfer to the State Drought Preparedness Account	\$	6,800,000
Tobacco Settlement Account: For transfer to the Health Services Account	\$	223,087,000
State Toxics Control Account: For transfer to the local toxics control account on or before June 30, 2001, up to \$2,500,000, but not greater than the loan enacted in the 1999 supplemental budget. The exact amount and timing of the transfer shall be determined by the office of financial management, based on state toxics control account fund balances	\$	2,500,000

NEW SECTION. Sec. 804. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

General Fund—State Appropriation: For transfer to the Department of Retirement Systems Expense Account: For the administrative expenses of the judicial retirement system	\$	21,550
TOTAL APPROPRIATION	\$	21,550

NEW SECTION. Sec. 805. STATE REVENUE LITIGATION. If, following exhaustion of all appeals, the petitioner prevails in *State ex rel. Heavey v. Murphy* (supreme court cause no. 67692-5), the state treasurer shall deposit in the state general fund such revenues from the motor vehicle excise tax as the court shall determine.

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on

a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1999-01 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative state-wide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and state-wide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(4) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to

demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(5) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(6) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(7) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 903. **VIDEO TELECOMMUNICATIONS.** The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The

office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. EMERGENCY FUND ALLOCATIONS.

Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 905. STATUTORY APPROPRIATIONS.

In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 906. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 907. A new section is added to chapter 41.45 RCW to read as follows:

RETIREMENT CONTRIBUTION RATES. (1) The changes to the basic state and employer contribution rates adopted by the pension funding council for the 1999-2001 biennium shall be effective on the following dates:

(a) The changes to the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system, and to the basic employer contribution rate for the public employees' retirement system plan 1 and the Washington state patrol retirement system shall each take effect on July 1, 1999; and

(b) The change to the basic employer contribution rate for the teachers' retirement system plan 1 shall take effect on September 1, 1999.

(2) The director of the department of retirement systems shall establish new contribution rates, to be effective July 1, 1999, for the public employees' retirement

system plan 2 and the law enforcement officers' and fire fighters' retirement system plan 2. The new rates shall be established pursuant to RCW 41.40.650 and 41.26.450 respectively. The director of the department of retirement systems shall establish a new contribution rate, to be effective September 1, 1999, for the teachers' retirement system plan 2. The new rate shall be established pursuant to RCW 41.45.061.

(3) This section expires on June 30, 2001.

NEW SECTION. Sec. 908. A new section is added to chapter 41.45 RCW to read as follows:

PUBLIC EMPLOYEES' RETIREMENT SYSTEM. For the period from July 1, 1999, through June 30, 2001, in addition to the basic and supplemental employer contributions required by RCW 41.45.060 and 41.45.070, the department of retirement systems shall also charge all public employees' retirement system employers an additional employer contribution rate of 0.05 percent for all members of the public employees' retirement system.

This section expires on June 30, 2001.

NEW SECTION. Sec. 909. **VOLUNTARY SEPARATION INCENTIVES AND OPTIONS.** (1) Agencies may, subject to the requirements of this section, offer a program of voluntary separation and/or downshifting incentives and options as a management tool to reduce costs and make more effective use of resources while improving employee productivity and morale.

(2) The office of financial management, in consultation with the department of personnel and the department of retirement systems, shall establish procedures and guidelines for proposed agency incentives and options. An agency which wishes to offer incentives or options pursuant to this section shall obtain approval from the director of financial management that the agency's proposed program is cost-neutral or results in savings and is consistent with the procedures and guidelines established by the office. The options which may be included in an agency plan may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section.

(3) The office of financial management may request the department of personnel and the department of retirement systems to assist with the review and monitoring of agency programs that are offered under this section. The office shall submit a report by January 1, 2001, to the appropriate committees of the legislature on the outcome of programs it approves under this section.

NEW SECTION. Sec. 910. **VOLUNTARY RETIREMENT INCENTIVE PROGRAMS.** (1) Agencies may, subject to the requirements of this section, implement a voluntary retirement incentive program. No employee shall have a contractual right to a benefit provided pursuant to this section.

(2) An agency program adopted under this section must be cost-neutral or result in cost savings and must be reviewed and approved by the director of financial management prior to implementation. The office of financial management, in consultation with the department of personnel and the department of retirement systems, shall establish procedures and guidelines for proposed voluntary retirement incentive programs.

(3) Agencies participating in this authorization are required to submit a report by January 1, 2001, to the appropriate committees of the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report shall include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 1999-01 fiscal biennium.

NEW SECTION. Sec. 911. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090, the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1999.

NEW SECTION. Sec. 912. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to, payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 913. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1999 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, 1989, 1991, 1993, 1995, and 1997 legislatures to conform state funds and accounts with generally accepted accounting principles.

Sec. 914. RCW 41.06.152 and 1996 c 319 s 1 are each amended to read as follows:

(1) The board shall adopt only those job classification revisions, class studies, and salary adjustments under RCW 41.06.150(15) that:

(a) Are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent; and

(b) Are such that the office of financial management has reviewed the agency's fiscal impact statement and has concurred that the agency can absorb the biennialized cost of the reclassification, class study, or salary adjustment within the agency's current authorized level of funding for the current fiscal biennium and subsequent fiscal biennia.

(2) In addition to reclassifications, class studies, and salary adjustments under subsection (1)(b) of this section, the board may approve other reclassifications, class studies, and salary adjustments that meet the requirements of subsection (1)(a) of this section and have been approved under the procedures established under this subsection.

Before the department of personnel's biennial budget request is due to the office of financial management, the board shall prioritize requests for reclassifications, class studies, and salary adjustments for the next fiscal biennium. The board shall prioritize according to such criteria as are developed by the board consistent with RCW 41.06.150(15)(a).

The board shall submit the prioritized list to the governor's office and the fiscal committees of the house of representatives and senate at the same time the department of personnel's biennial budget request is submitted. The office of financial management shall review the biennial cost of each proposed salary adjustment on the board's prioritized list.

In the biennial appropriations acts, the legislature may establish a level of funding, from the state general fund and other accounts, to be applied by the board to the prioritized list. Upon enactment of the appropriations act, the board may approve reclassifications, class studies, and salary adjustments only to the extent that the total cost does not exceed the level of funding established in the appropriations acts and the board's actions are consistent with the priorities established in the list. The legislature may also specify or otherwise limit in the appropriations act the implementation dates for actions approved by the board under this section.

(3) When the board develops its priority list in the 1999-2001 biennium, for increases proposed for funding in the 2001-2003 biennium, the board shall give top priority to proposed increases to address documented recruitment and retention increases, and shall give lowest priority to proposed increases to recognize increased duties and responsibilities. When the board submits its prioritized list for the 2001-2003 biennium, the board shall also provide: A comparison of any differences between the salary increases recommended by the department of personnel staff and those adopted by the board; a review of any salary compression, inversion, or inequities that would result from implementing a

recommended increase; and a complete description of the information relied upon by the board in adopting its proposals and priorities.

(4) This section does not apply to the higher education hospital special pay plan or to any adjustments to the classification plan under RCW 41.06.150(15) that are due to emergent conditions. Emergent conditions are defined as emergency conditions requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare.

Sec. 915. RCW 43.08.250 and 1997 c 149 s 910 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, ~~((1999))~~ 2001, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, ~~((and))~~ Washington state patrol criminal justice activities, and the replacement of the department of corrections' offender-based tracking system.

Sec. 916. RCW 43.10.220 and 1974 ex.s. c 162 s 3 are each amended to read as follows:

The attorney general is authorized to expend from the antitrust revolving fund, created by RCW 43.10.210 through 43.10.220, such funds as are necessary for the payment of costs, expenses and charges incurred in the preparation, institution and maintenance of antitrust actions under the state and federal antitrust acts. During the 1999-01 fiscal biennium, the attorney general may expend up to one million three hundred thousand dollars from the antitrust revolving fund for the purposes of implementing a case management data processing system for the centralized management of cases and workload, including antitrust and other complex litigation.

Sec. 917. RCW 49.70.170 and 1986 c 310 s 1 are each amended to read as follows:

(1) The worker and community right to know fund is hereby established in the custody of the state treasurer. The department shall deposit all moneys received under this chapter in the fund. Moneys in the fund may be spent only for the

purposes of this chapter following legislative appropriation. Disbursements from the fund shall be on authorization of the director or the director's designee. During the 1999-2001 fiscal biennium, moneys in the fund may also be used by the military department for the purpose of assisting the state emergency response commission and coordinating local emergency planning activities. The fund is subject to the allotment procedure provided under chapter 43.88 RCW.

(2) The department shall assess each employer who reported ten thousand four hundred or more worker hours in the prior calendar year an annual fee to provide for the implementation of this chapter. The department shall promulgate rules establishing a fee schedule for all employers who reported ten thousand four hundred or more worker hours in the prior calendar year and are engaged in business operations having a standard industrial classification, as designated in the standard industrial classification manual prepared by the federal office of management and budget, within major group numbers 01 through 08 (agriculture and forestry industries), numbers 10 through 14 (mining industries), numbers 15 through 17 (construction industries), numbers 20 through 39 (manufacturing industries), numbers 41, 42, and 44 through 49 (transportation, communications, electric, gas, and sanitary services), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), and number 82 (educational services). The department shall establish the annual fee for each employer who reported ten thousand four hundred or more worker hours in the prior calendar year in industries identified by this section, provided that fees assessed shall not be more than two dollars and fifty cents per full time equivalent employee. The annual fee shall not exceed fifty thousand dollars. The fees shall be collected solely from employers whose industries have been identified by rule under this chapter. The department shall promulgate rules allowing employers who do not have hazardous substances at their workplace to request an exemption from the assessment and shall establish penalties for fraudulent exemption requests. All fees collected by the department pursuant to this section shall be collected in a cost-efficient manner and shall be deposited in the fund.

(3) Records required by this chapter shall at all times be open to the inspection of the director, or his designee including, the traveling auditors, agents or assistants of the department provided for in RCW 51.16.070 and 51.48.040. The information obtained from employer records under the provisions of this section shall be subject to the same confidentiality requirements as set forth in RCW 51.16.070.

(4) An employer may appeal the assessment of the fee or penalties pursuant to the procedures set forth in Title 51 RCW and accompanying rules except that the employer shall not have the right of appeal to superior court as provided in Title 51 RCW. The employer from whom the fee or penalty is demanded or enforced, may however, within thirty days of the board of industrial insurance appeal's final order, pay the fee or penalty under written protest setting forth all the grounds upon which such fee or penalty is claimed to be unlawful, excessive or otherwise improper and thereafter bring an action in superior court against the department to

recover such fee or penalty or any portion of the fee or penalty which was paid under protest.

(5) Repayment shall be made to the general fund of any moneys appropriated by law in order to implement this chapter.

Sec. 918. RCW 70.190.090 and 1996 c 132 s 7 are each amended to read as follows:

(1) A network (~~(that has its membership finalized under RCW 70.190.060(4))~~) shall, upon application to the council, be eligible to receive planning grants and technical assistance from the council. However, during the 1999-01 fiscal biennium, a network that has not finalized its membership shall be eligible to receive such grants and assistance. Planning grants may be funded through available federal funds for family preservation services. After receiving the planning grant the network has up to one year to submit the long-term comprehensive plan.

(2) The council shall enter into biennial contracts with networks as part of the grant process. The contracts shall be consistent with available resources, and shall be distributed in accordance with the distribution formula developed pursuant to RCW 43.41.195, subject to the applicable matching fund requirement.

(3) No later than February 1 of each odd-numbered year following the initial contract between the council and a network, the council shall request from the network its plan for the upcoming biennial contract period.

(4) The council shall notify the networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(5) The networks shall, by contract, distribute funds (a) appropriated for plan implementation by the legislature, and (b) obtained from nonstate or federal sources. In distributing funds, the networks shall ensure that administrative costs are held to a maximum of ten percent. However, during the 1999-01 fiscal biennium, administrative costs shall be held to a maximum of ten percent or twenty thousand dollars, whichever is greater, exclusive of costs associated with procurement, payroll processing, personnel functions, management, maintenance and operation of space and property, data processing and computer services, indirect costs, and organizational planning, consultation, coordination, and training.

(6) A network shall not provide services or operate programs.

(7) A network shall file a report with the council by May 1 of each year that includes but is not limited to the following information: Detailed expenditures, programs under way, progress on contracted services and programs, and successes and problems in achieving the outcomes required by RCW 70.190.130(1)(h) related to reducing the rate of state-funded out-of-home placements and the other three at-risk behaviors covered by the comprehensive plan and approved by the council.

Sec. 919. RCW 79.24.580 and 1997 c 149 s 913 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects. During the fiscal biennium ending June 30, ~~((1999))~~ 2001, the funds may be appropriated for boating safety, shellfish management, enforcement, and enhancement and for developing and implementing plans for population monitoring and restoration of native wild salmon stock.

Sec. 920. RCW 82.14.310 and 1998 c 321 s 11 (Referendum Bill No. 49, approved November 3, 1998) are each amended to read as follows:

(1) The county criminal justice assistance account is created in the state treasury. Beginning in fiscal year 2000, the state treasurer shall transfer into the county criminal justice assistance account from the general fund the sum of twenty-three million two hundred thousand dollars divided into four equal deposits occurring on July 1, October 1, January 1, and April 1. For each fiscal year thereafter, the state treasurer shall increase the total transfer by the fiscal growth factor, as defined in RCW 43.135.025, forecast for that fiscal year by the office of financial management in November of the preceding year.

(2) The moneys deposited in the county criminal justice assistance account for distribution under this section, less any moneys appropriated for purposes under subsection (4) of this section, shall be distributed at such times as distributions are made under RCW 82.44.150 and on the relative basis of each county's funding factor as determined under this subsection.

(a) A county's funding factor is the sum of:

(i) The population of the county, divided by one thousand, and multiplied by two-tenths;

(ii) The crime rate of the county, multiplied by three-tenths; and

(iii) The annual number of criminal cases filed in the county superior court, for each one thousand in population, multiplied by five-tenths.

(b) Under this section and RCW 82.14.320 and 82.14.330:

(i) The population of the county or city shall be as last determined by the office of financial management;

(ii) The crime rate of the county or city is the annual occurrence of specified criminal offenses, as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs, for each one thousand in population;

(iii) The annual number of criminal cases filed in the county superior court shall be determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts;

(iv) Distributions and eligibility for distributions in the 1989-91 biennium shall be based on 1988 figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection. Future distributions shall be based on the most recent figures for both the crime rate as described under (ii) of this subsection and the annual number of criminal cases that are filed as described under (iii) of this subsection.

(3) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil or juvenile justice system occurs, and which includes (a) domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020, and (b) during the 1999-2001 fiscal biennium, juvenile dispositional hearings relating to petitions for at-risk youth, truancy, and children in need of services. Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.

(4) Not more than five percent of the funds deposited to the county criminal justice assistance account shall be available for appropriations for enhancements to the state patrol crime laboratory system and the continuing costs related to these enhancements. Funds appropriated from this account for such enhancements shall not supplant existing funds from the state general fund.

Sec. 921. RCW 72.11.040 and 1989 c 252 s 26 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.270 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the 1999-2001 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 922. RCW 69.50.520 and 1998 c 346 s 909 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section

420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the ~~((1997-1999))~~ 1999-2001 biennium, funds from the account may also be used for costs associated with ~~((conducting a feasibility study of the department of corrections' offender-based tracking system;))~~ providing grants to local governments in accordance with chapter 338, Laws of 1997, and for multijurisdictional narcotics task forces. After July 1, ~~((1999))~~ 2001, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 923. RCW 70.105D.070 and 1998 c 346 s 905 and 1998 c 81 s 2 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; and (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the ~~((1997-1999))~~ 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed

annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

Sec. 924. RCW 72.09.050 and 1995 c 189 s 1 are each amended to read as follows:

The secretary shall manage the department of corrections and shall be responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons. In addition, the secretary shall have broad powers to enter into agreements with any federal agency, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. Such agreements for counties with local law and justice councils shall be required in the local law and justice plan pursuant to RCW 72.09.300. The agreements may provide for joint operation or operation by the department of corrections, alone, or by any of the other governmental entities, alone. Between July 1, 1999, and June 30, 2001, the secretary may expend funds appropriated for the 1999-01 biennium to enter into agreements with any local government or private organization in any other state, providing for the operation of any correctional facility or program for persons convicted of felonies. The secretary may employ persons to aid in performing the functions and duties of the department. The secretary may delegate any of his or her functions or duties to department employees, including the authority to certify and maintain custody of records and documents on file with the department. The secretary is authorized to promulgate standards for the department of corrections within appropriation levels authorized by the legislature.

Pursuant to the authority granted in chapter 34.05 RCW, the secretary shall adopt rules providing for inmate restitution when restitution is determined appropriate as a result of a disciplinary action.

Sec. 925. RCW 82.24.027 and 1986 c 3 s 12 are each amended to read as follows:

(1) There is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by this chapter, an additional tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of four mills per cigarette.

(2) The moneys collected under this section shall be deposited as follows:

(a) For the period ending July 1, 1999, in the water quality account under RCW 70.146.030;

(b) For the period beginning July 1, 1999, through June 30, 2001, fifty percent into the violence reduction and drug enforcement account under RCW 69.50.520 and fifty percent into the salmon recovery account;

(c) For the period beginning July 1, 2001, through June 30, 2021, into the water quality account under RCW 70.146.030; and

(d) For the period beginning July 1, 2021, in the general fund ((thereafter)).

Sec. 926. RCW 82.26.025 and 1986 c 3 s 14 are each amended to read as follows:

(1) In addition to the taxes imposed under RCW 82.26.020, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of sixteen and three-fourths percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) The moneys collected under this section shall be deposited as follows:

(a) For the period ending July 1, 1999, in the water quality account under RCW 70.146.030;

(b) For the period beginning July 1, 1999, through June 30, 2001, fifty percent into the violence reduction and drug enforcement account under RCW 69.50.520 and fifty percent into the salmon recovery account;

(c) For the period beginning July 1, 2001, through June 30, 2021, into the water quality account under RCW 70.146.030; and

(d) For the period beginning July 1, 2021, in the general fund ((thereafter)).

NEW SECTION. Sec. 927. A new section is added to chapter 43.79 RCW to read as follows:

TOBACCO SETTLEMENT ACCOUNT. (1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the health services account for the purposes set forth in RCW 43.72.900, and to the tobacco prevention and control account for purposes set forth in this section.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation.

(4) The state treasurer shall transfer one hundred million dollars from the tobacco settlement account to the tobacco prevention and control account upon

authorization of the director of financial management. The director shall authorize transfer of the total amount by June 30, 2001.

Sec. 928. RCW 43.84.092 and 1997 c 218 s 5 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity

account, the personal health services account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the department of licensing services account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the gasohol exemption holding account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account,

the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the small city account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation revolving loan account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 929. RCW 43.84.092 and 1998 c 341 s 708 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital

projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system combined plan II and plan III account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington school employees' retirement system combined plan II and III account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the department of licensing services account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the gasohol exemption holding account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the small city account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation revolving loan account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 930. Section 928 of this act expires September 1, 2000.

Sec. 931. RCW 82.44.160 and 1995 c 28 s 1 are each amended to read as follows:

Before distributing moneys to the cities and towns from the ~~((general fund))~~ city police and fire protection assistance account, as provided in RCW 82.44.155, and from the municipal sales and use tax equalization account, as provided in RCW 82.14.210, the state treasurer shall, on the first day of July of each year, make an annual deduction therefrom of a sum equal to one-half of the biennial appropriation made pursuant to this section, which amount shall be at least seven cents per capita of the population of all cities or towns as legally certified on that date, determined as provided in RCW 82.44.150, which sum shall be apportioned and transmitted to the municipal research council, herein created. Sixty-five percent of the annual deduction shall be from the distribution to cities and towns under RCW 82.44.155, and thirty-five percent of the annual deduction shall be from the distribution to the municipal sales and use tax equalization account under RCW 82.14.210. The municipal research council may contract with and allocate moneys to any state agency, educational institution, or private consulting firm, which in its judgment is qualified to carry on a municipal research and service program. Moneys may be utilized to match federal funds available for technical research and service programs to cities and towns. Moneys allocated shall be used for studies and

research in municipal government, publications, educational, conferences, and attendance thereat, and in furnishing technical, consultative, and field services to cities and towns in problems relating to planning, public health, municipal sanitation, fire protection, law enforcement, postwar improvements, and public works, and in all matters relating to city and town government. The programs shall be carried on and all expenditures shall be made in cooperation with the cities and towns of the state acting through the Association of Washington Cities by its board of directors which is hereby recognized as their official agency or instrumentality.

Funds (~~appropriated to the municipal research council~~) deducted under this section shall be (~~kept~~) deposited in the treasury in the general fund, and shall be disbursed by warrant or check to contracting parties on invoices or vouchers certified by the chair of the municipal research council or his or her designee. Payments to public agencies may be made in advance of actual work contracted for, in the discretion of the council.

Sixty-five percent of any moneys remaining unexpended or uncontracted for by the municipal research council at the end of any fiscal biennium shall be returned to the (~~general fund~~) city police and fire protection assistance account and be paid to cities and towns under RCW 82.44.155. The remaining thirty-five percent shall be deposited into the municipal sales and use tax equalization account.

Sec. 932. RCW 28B.15.066 and 1995 1st sp.s. c 9 s 3 are each amended to read as follows:

It is the intent of the legislature that:

In making appropriations from the state's general fund to institutions of higher education, each appropriation shall conform to the following:

(1) The appropriation shall not be reduced by the amount of operating fees revenue estimated to be collected from students enrolled at the state-funded enrollment level specified in the omnibus biennial operating appropriations act;

(2) The appropriation shall not be reduced by the amount of operating fees revenue collected from students enrolled above the state-funded level, but within the over-enrollment limitations, specified in the omnibus biennial operating appropriations act; and

(3) The general fund state appropriation shall not be reduced by the amount of operating fees revenue collected as a result of waiving less operating fees revenue than the amounts authorized under RCW 28B.15.910. State general fund appropriations shall not be provided for revenue foregone as a result of or for waivers granted under section 601(3)(e) of this act.

PART XI

GENERAL GOVERNMENT—SUPPLEMENTAL APPROPRIATIONS

Sec. 1101. 1998 c 346 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation (FY 1998)	\$	24,221,000
General Fund Appropriation (FY 1999)	\$	((25,907,000))
		<u>25,889,000</u>
Department of Retirement Systems Expense		
Account Appropriation	\$	25,000
TOTAL APPROPRIATION	\$	((50,153,000))
		<u>50,135,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the general fund fiscal year 1998 appropriation and \$75,000 of the general fund fiscal year 1999 appropriation are provided solely for the independent operations of the legislative ethics board. Expenditure decisions of the board, including employment of staff, shall be independent of the senate and house of representatives.

(2) The department of retirement systems expense account appropriation is provided solely to implement the provisions relating to the actuarial audit of the pension contribution rates in Substitute House Bill No. 2544 (funding state retirement systems). If the bill is not enacted by June 30, 1998, the appropriation shall lapse.

(3) \$125,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for a review of the memorandum of agreement signed between the United States environmental protection agency and the department of ecology. The agreement requires the department to conduct total maximum daily loads on polluted water bodies as defined by the federal clean water act. The review may include but is not limited to the department's program for implementing the settlement, an examination of the decisions that affect how water quality problems are defined, the causes of those problems, and the means by which solutions to these problems are to be developed and implemented.

Sec. 1102. 1998 c 346 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund Appropriation (FY 1998)	\$	19,357,000
General Fund Appropriation (FY 1999)	\$	((20,838,000))
		<u>20,826,000</u>
Department of Retirement Systems Expense Account		
Appropriation	\$	25,000
TOTAL APPROPRIATION	\$	((40,220,000))
		<u>40,208,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the general fund fiscal year 1998 appropriation and \$75,000 of the general fund fiscal year 1999 appropriation are provided solely for the independent operations of the legislative ethics board. Expenditure decisions of the board, including employment of staff, shall be independent of the senate and house of representatives.

(2) \$100,000 of the general fund appropriation for fiscal year 1998 is provided solely for a study of financial aid and tuition by the senate committee on ways and means and the house of representatives committee on appropriations.

(a) The study shall report on the current usage and distribution of financial aid, investigate other resources available to financial aid recipients, and shall compare alternative methods of financial aid distribution and their impacts on the sectors of higher education and students served within each sector.

(b) The study shall also provide comparative data from other states on methods of establishing tuition rates and the relationship of tuition to state funding.

(3) The department of retirement systems expense account appropriation is provided solely to implement the provisions relating to the actuarial audit of the pension contribution rates in Substitute House Bill No. 2544 (funding state retirement systems). If the bill is not enacted by June 30, 1998, the appropriation shall lapse.

(4) \$25,000 of the general fund—state appropriation for fiscal year 1998 and \$50,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the legislature and the office of financial management to contract jointly for a performance review of the state long-term care system. The review shall result in recommendations by October 1, 1998, on strategies for increasing the long-term affordability and cost-effectiveness of the system, and shall include a review of topics such as methods for matching service levels to recipient needs, options for managing growth in entitlement caseloads, and techniques for projecting the number of persons in need of publicly funded services.

(5) \$125,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for a review of the memorandum of agreement signed between the United States environmental protection agency and the department of ecology. The agreement requires the department to conduct total maximum daily loads on polluted water bodies as defined by the federal clean water act. The review may include but is not limited to the department's program for implementing the settlement, an examination of the decisions that affect how water quality problems are defined, the causes of those problems, and the means by which solutions to these problems are to be developed and implemented.

Sec. 1103. 1998 c 346 s 105 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation (FY 1998)	\$	10,340,000
General Fund Appropriation (FY 1999)	\$	((10,307,000))

	<u>10,318,000</u>
TOTAL APPROPRIATION	\$ ((20,647,000))
	<u>20,658,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$271,000 of the general fund fiscal year 1999 appropriation is provided solely for an additional judge position and related support staff in division 1 in King county, effective July 1, 1998.

(2) \$490,000 of the general fund fiscal year 1998 appropriation is provided solely for remodeling existing space in division I court facilities to house additional staff.

Sec. 1104. 1998 c 346 s 106 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation (FY 1998)	\$ 692,000
General Fund Appropriation (FY 1999)	\$ ((714,000))
	<u>719,000</u>
TOTAL APPROPRIATION	\$ ((1,406,000))
	<u>1,411,000</u>

Sec. 1105. 1998 c 346 s 107 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation (FY 1998)	\$ 12,723,000
General Fund Appropriation (FY 1999)	\$ ((12,770,000))
	<u>12,217,000</u>
<u>Public Safety and Education Account—</u>	
<u>State Appropriation</u>	\$ ((27,709,000))
	<u>27,876,000</u>
<u>Public Safety and Education Account—</u>	
<u>Local Appropriation</u>	\$ 2,000
Judicial Information Systems Account	
Appropriation	\$ ((17,489,000))
	<u>17,486,000</u>
TOTAL APPROPRIATION	\$ ((70,691,000))
	<u>70,304,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the office of the administrator for the courts. \$400,000 of the judicial information systems account appropriation is provided solely for the year 2000 date conversion.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior courts judges for insurance and health care plans and federal social security and medicare and medical aid benefits. Consistent with Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the cost of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions.

(3) \$3,255,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

(4) \$125,000 of the public safety and education account appropriation is provided solely for the workload associated with the increase in state cases filed in Thurston county superior court.

(5) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(6) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(7) \$100,000 of the general fund fiscal year 1998 appropriation and \$100,000 of the general fund fiscal year 1999 appropriation are provided solely for judicial program enhancements. Within the funding provided in this subsection, the office of administrator of courts in consultation with the supreme court shall determine the program or programs to receive an enhancement.

(8) \$35,000 of the general fund fiscal year 1998 appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1771 (guardian certification). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(9) \$100,000 of the general fund fiscal year 1998 appropriation is provided solely for the Snohomish county preprosecution diversion program.

(10) \$175,000 of the general fund appropriation for fiscal year 1999 is provided solely for costs associated with the publication and distribution of a judicial voter pamphlet for the 1998 primary election.

Sec. 1106. 1998 c 346 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

Public Safety and Education Account

Appropriation	\$	((12,103,000))
		<u>11,503,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The cost of defending indigent offenders in death penalty cases has escalated significantly over the last four years. The office of public defense advisory committee shall analyze the current methods for reimbursing private attorneys and shall develop appropriate standards and criteria designed to control costs and still provide indigent defendants their constitutional right to representation at public expense. The office of public defense advisory committee shall report its findings and recommendations to the supreme court and the appropriate legislative committees by September 30, 1998.

(2) \$688,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

Sec. 1107. 1998 c 346 s 110 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation (FY 1998)	\$	1,568,000
General Fund Appropriation (FY 1999)	\$	((1,262,000))
		<u>1,519,000</u>
TOTAL APPROPRIATION	\$	((2,830,000))
		<u>3,087,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$306,000 of the general fund fiscal year 1998 appropriation and \$72,000 of the general fund fiscal year 1999 appropriation are provided solely for technology for customer service improvements.

(2) \$111,000 of the fiscal year 1998 general fund appropriation ((is)) and \$115,000 of the fiscal year 1999 general fund appropriation are provided for attorney general services for the public disclosure commission's investigations of the Washington education association and the building industry association of Washington, and other cases.

Sec. 1108. 1998 c 346 s 111 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation (FY 1998)	\$	7,970,000
General Fund Appropriation (FY 1999)	\$	((7,899,000))
		<u>7,882,000</u>
<u>General Fund—Private/Local Appropriation</u>	\$	<u>2,000</u>
Archives & Records Management Account—State Appropriation	\$	((4,032,000))
		<u>4,055,000</u>
Archives & Records Management Account—Private/Local Appropriation	\$	2,833,000
Department of Personnel Service Account Appropriation	\$	663,000
TOTAL APPROPRIATION	\$	((23,397,000))

23,412,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,255,000 of the general fund appropriation for fiscal year 1998 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,011,000 of the general fund appropriation for fiscal year 1998 and \$2,536,000 of the general fund appropriation for fiscal year 1999 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$99,000 of the general fund appropriation is provided solely for the state's participation in the United States census block boundary suggestion program.

(4) \$125,000 of the fiscal year 1998 general fund appropriation is provided solely for legal advertising of state measures under RCW 29.27.072.

(5) \$45,000 of the general fund fiscal year 1998 appropriation is provided solely for an economic feasibility study of a state horse park.

(6) The election review section under chapter 29.60 RCW shall be administered in a manner consistent with Engrossed Senate Bill No. 5565 (election procedures review).

(7)(a) \$1,850,000 of the general fund appropriation for fiscal year 1999 is provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance during fiscal year 1999. An eligible nonprofit organization must be formed solely for the purpose of, and be experienced in, providing gavel-to-gavel television coverage of state government deliberations and other events of state-wide significance and must have received a determination of tax-exempt status under section 501(c)(3) of the federal internal revenue code.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2002. The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(8) \$280,000 of the archives and records management account—private/local appropriation is provided solely for preserving and restoring security microfilm.

Sec. 1109. 1998 c 346 s 113 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation (FY 1998)	\$	688,000
General Fund Appropriation (FY 1999)	\$	1,193,000
State Auditing Services Revolving Account		
Appropriation	\$	((12,373,000))
		<u>12,370,000</u>
TOTAL APPROPRIATION	\$	((14,254,000))
		<u>14,251,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$420,000 of the general fund appropriation for fiscal year 1998 and \$420,000 of the general fund appropriation for fiscal year 1999 are provided solely for staff and related costs to audit special education programs that exhibit unusual rates of growth, extraordinarily high costs, or other characteristics requiring attention of the state safety net committee, and other school districts for baseline purposes and to determine if there are common errors. The auditor shall consult with the superintendent of public instruction regarding training and other staffing assistance needed to provide expertise to the audit staff.

(3) \$250,000 of the general fund fiscal year 1998 appropriation and \$250,000 of the general fund fiscal year 1999 appropriation are provided solely for the budget and reporting system (BARS) to improve the reporting of local government fiscal data. Audits of counties and cities by the division of municipal corporations shall include findings regarding the completeness, accuracy, and timeliness of BARS data reported to the state auditor's office.

(4) The state auditor shall develop recommendations and curricula for preventing instances of improper governmental actions as defined in chapter 42.20 RCW, the state whistleblower act. In developing these recommendations and curricula, the state auditor shall involve the office of financial management, office

of the attorney general, executive ethics board, department of personnel, employee organizations, and other interested parties. These recommendations shall be submitted to the governor and the legislature by June 30, 1998.

(5) \$120,000 of the auditing services revolving fund appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 2881 (auditing state contractors). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(6) \$25,000 of the general fund fiscal year 1999 appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 2831 (a joint report to the legislature on the results of cost studies and service quality and reliability reports from electric utilities). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse. No fee may be collected from the electric utilities for this joint report.

(7) \$10,000 of the general fund fiscal year 1998 appropriation and \$490,000 of the general fund fiscal year 1999 appropriation are provided solely for staff and related costs to: Verify the accuracy of reported school district data submitted for state funding purposes or program audits of state funded public school programs; and establish the specific amount of funds to be recovered whenever the amount is not firmly established in the course of any public school audits conducted by the state auditor's office. The results of the audits shall be submitted to the superintendent of public instruction for corrections of data and adjustments of funds.

Sec. 1110. 1998 c 346 s 114 (uncodified) is amended to read as follows:
FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation (FY 1998)	\$	11,000
General Fund Appropriation (FY 1999)	\$	((63,000))
		<u>126,000</u>
TOTAL APPROPRIATION	\$	((74,000))
		<u>137,000</u>

Sec. 1111. 1998 c 346 s 115 (uncodified) is amended to read as follows:
FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 1998)	\$	4,161,000
General Fund—State Appropriation (FY 1999)	\$	((3,831,000))
		<u>3,916,000</u>
General Fund—Federal Appropriation	\$	2,248,000
Public Safety and Education Account		
Appropriation	\$	1,291,000
New Motor Vehicle Arbitration Account		
Appropriation	\$	1,094,000
Legal Services Revolving Account		
Appropriation	\$	((125,758,000))
		<u>129,192,000</u>

TOTAL APPROPRIATION \$ ~~((138,383,000))~~
141,902,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. The attorney general may, with approval of the office of financial management change its billing system to meet the needs of its user agencies.

(3) \$300,000 of the fiscal year 1998 general fund—state appropriation ((is) and \$63,000 of the fiscal year 1999 general fund—state appropriation are provided for a comprehensive assessment of environmental and public health impacts and for other costs related to pursuing remedies for pollution in the Spokane river basin.

(4) \$440,000 of the fiscal year 1998 general fund—state appropriation and \$410,000 of the fiscal year 1999 general fund—state appropriation are provided solely to implement the supervision management and recidivist tracking program to allow the department of corrections and local law enforcement agencies to share information concerning the activities of offenders on community supervision.

Sec. 1112. 1998 c 346 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 1998)	\$	10,626,000
General Fund—State Appropriation (FY 1999)	\$	((11,160,000))
		<u>11,155,000</u>
General Fund—Federal Appropriation	\$	23,331,000
General Fund—Local Appropriation	\$	190,000
TOTAL APPROPRIATION	\$	((45,307,000))
		<u>45,302,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management, in cooperation with the higher education coordinating board and the state board for community and technical colleges, shall develop long-term higher education enrollment forecasting models for consideration by the legislature. To the extent possible, the pilot models shall

incorporate trends in demography, higher education applications, K-12 graduation rates, labor market needs, and state and national higher education policy and economic considerations. The public institutions of education shall cooperate in the development of models by providing any necessary data in a timely and organized manner. The private education institutions of the state are encouraged to participate in this effort. A preliminary report shall be provided to the appropriate committees of the legislature by November 1, 1998, and a final report shall be provided by January 15, 1999.

(2) \$139,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to implement Engrossed Second Substitute House Bill No. 2880 (task force on vendor contracting practices). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to (a) contract with an outside management consultant to review the department of fish and wildlife's financial operations and management practices and (b) contract with an outside consultant to develop a strategic information technology plan for the department.

(4) \$25,000 of the general fund—state appropriation for fiscal year 1998 and \$50,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the legislature and the office of financial management to contract jointly for a performance review of the state long-term care system. The review shall result in recommendations by October 1, 1998, on strategies for increasing the long-term affordability and cost-effectiveness of the system, and shall include a review of topics such as methods for matching service levels to recipient needs, options for managing growth in entitlement caseloads, and techniques for projecting the number of persons in need of publicly funded services.

Sec. 1113. 1998 c 346 s 121 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS
 Dependent Care Administrative Account

Appropriation	\$	357,000
Department of Retirement Systems Expense Account		
Appropriation	\$	((34,481,000))
		<u>34,593,000</u>
TOTAL APPROPRIATION	\$	((34,838,000)) <u>34,950,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((1,373,000))~~ \$527,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the electronic document image management system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$1,259,000 of the department of retirement systems expense account appropriation is provided solely for the information systems project known as the

receivables management system. Authority to expend this amount is conditioned on compliance with section 902 of this act.

(3) The department of retirement systems shall complete a study examining whether it would be cost-effective to contract out the administration functions for the dependent care assistance program and shall report to the fiscal committees of the legislature by December 15, 1997.

(4) \$118,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute House Bill No. 2491 (TRS/PERS plan 1 gain sharing). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(5) \$920,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 6306 (creating the Washington school employees' retirement system). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(6) \$42,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6305 (death benefits for port and university police). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(7) \$74,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5030 (Washington state patrol survivor benefits). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

(8) \$38,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1024 (PERS 1 and TRS 1 options). If the bill is not enacted by June 30, 1999, the amount provided in this subsection shall lapse.

Sec. 1114, 1997 c 149 s 140 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund—State Appropriation (FY 1998)	\$	1,302,000
General Fund—State Appropriation (FY 1999)	\$	((1,278,000))
		<u>1,223,000</u>
General Fund—Federal Appropriation	\$	2,402,000
General Fund—Private/Local Appropriation	\$	400,000
Motor Transport Account Appropriation	\$	14,120,000
Air Pollution Control Account Appropriation	\$	391,000
General Administration Facilities and Services		
Revolving Account Appropriation	\$	22,299,000
Central Stores Revolving Account		
Appropriation	\$	3,306,000
Energy Efficiency Services Account		
Appropriation	\$	180,000
Risk Management Account Appropriation	\$	2,328,000
TOTAL APPROPRIATION	\$	((48,006,000))

47,951,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,200,000 of the general fund—state appropriation for fiscal year 1998 and \$1,200,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the purchase of food for distribution to the state's food assistance network and related expenses.

(2) \$25,000 of the general fund—state appropriation for fiscal year 1998 is provided solely for the World War II memorial on the condition that the currently approved design for the World War II memorial be sited on the location selected by the World War II advisory committee and approved and recommended by the capitol campus design advisory committee. This site is immediately south of the Columbia street and 11th avenue axial on the west capitol campus.

(3) Except for the World War II memorial, no additional monuments may be placed on the capitol campus until the completion of the capitol campus monuments and memorial policy by the department of general administration, adoption of the policy by the state capitol committee, and inclusion of the policy in the department of general administration's administrative code.

(4) The department shall not purchase any travel product for any state employee or state official from a vendor who is not a Washington-based seller of travel licensed under chapter 19.138 RCW.

(5) The department shall study the state motor pool vehicle fleet to develop a plan for meeting and exceeding the minimum vehicle mileage standards established by the federal government. The department shall report its findings and conclusions to the appropriate legislative committees by December 1, 1997.

(6) The department shall sell or contract for sale all surplus motor pool fleet vehicles and shall, when cost effective, contract out for the reconditioning, transport, and delivery of the vehicles prior to their sale at auction.

Sec. 1115. 1998 c 346 s 117 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund—State Appropriation (FY 1998)	\$	57,078,000
General Fund—State Appropriation (FY 1999)	\$	((61,451,000))
		<u>62,402,000</u>
General Fund—Federal Appropriation	\$	164,000,000
General Fund—Private/Local Appropriation	\$	6,903,000
Public Safety and Education Account		
Appropriation	\$	8,720,000
Public Works Assistance Account		
Appropriation	\$	2,223,000
Building Code Council Account Appropriation	\$	1,366,000
Administrative Contingency Account		
Appropriation	\$	1,776,000

Low-Income Weatherization Assistance Account		
Appropriation	\$	923,000
Violence Reduction and Drug Enforcement Account		
Appropriation	\$	6,042,000
Manufactured Home Installation Training Account		
Appropriation	\$	250,000
Washington Housing Trust Account		
Appropriation	\$	7,999,000
Public Facility Construction Loan Revolving Account		
Appropriation	\$	515,000
Clean Washington Account Appropriation (FY 1998) . . .	\$	11,000
TOTAL APPROPRIATION	\$	((319,257,000))
		<u>320,208,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,962,500 of the general fund—state appropriation for fiscal year 1998 and \$3,602,500 of the general fund—state appropriation for fiscal year 1999 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 biennium.

(2) \$155,000 of the general fund—state appropriation for fiscal year 1998 and \$445,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for a contract with the Washington manufacturing extension partnership.

(3) \$9,964,000 of the general fund—federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1998 as follows:

(a) \$3,603,250 to local units of governments to continue the multi-jurisdictional narcotics task forces;

(b) \$500,000 to the department to continue the state-wide drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,306,075 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$240,000 to the department for grants to support tribal law enforcement needs;

(e) \$900,000 to drug courts in eastern and western Washington;

(f) \$300,000 to the department for grants to provide sentencing alternatives training programs to defenders;

(g) \$200,000 for grants to support substance-abuse treatment in county jails;

(h) \$517,075 to the department for legal advocacy for victims of domestic violence and for training of local law enforcement officers and prosecutors on domestic violence laws and procedures;

(i) \$903,000 to the department to continue youth violence prevention and intervention projects;

(j) \$91,000 for the governor's council on substance abuse;

(k) \$99,000 for program evaluation and monitoring;

(l) \$100,000 for the department of corrections for a feasibility study of replacing or updating the offender based tracking system.

(m) \$498,200 for development of a state-wide system to track criminal history records; and

(n) No more than \$706,400 to the department for grant administration and reporting.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this section. If moneys in excess of those appropriated in this section become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without a specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding fiscal year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$11,715,000 of the general fund—federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 1999 as follows:

(a) \$3,878,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$531,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,363,075 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$256,000 to the department for grants to support tribal law enforcement needs;

(e) \$1,093,000 to drug courts in eastern and western Washington;

(f) \$312,000 to the department for grants assisting in the development, conduct, and training on sentencing alternatives;

(g) \$261,000 to the department to continue a substance-abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) \$581,075 to the department to continue domestic violence legal advocacy;

(i) \$949,000 to the department to continue youth violence prevention and intervention projects;

(j) \$91,000 to the department to continue the governor's council on substance abuse;

(k) \$99,000 to the department to continue evaluation of Byrne formula grant programs;

(l) \$1,496,200 to the office of financial management for the criminal history records improvement program; and

(m) \$804,400 to the department for required grant administration, monitoring and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(5) \$1,000,000 of the general fund fiscal year 1998 appropriation and \$1,000,000 of the general fund fiscal year 1999 appropriation are provided solely to implement Engrossed Substitute House Bill No. 1576 (buildable lands) or Senate Bill No. 6094 (growth management). If neither bill is enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(6) \$4,766,000 of the public safety and education account appropriation, \$1,000,000 of the fiscal year 1998 general fund—state appropriation, and \$1,034,000 of the fiscal year 1999 general fund—state appropriation are provided solely for indigent civil legal representation services contracts and contracts administration. The amounts provided in this subsection are contingent upon enactment of section 2 of Engrossed Substitute House Bill No. 2276 (civil legal services for indigent persons). If section 2 of the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(7) \$643,000 of the general fund—state fiscal year 1998 appropriation and \$643,000 of the general fund—state fiscal year 1999 appropriation are provided solely to increase payment rates for contracted early childhood education assistance program providers. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(8) \$75,000 of the general fund—state fiscal year 1998 appropriation and \$75,000 of the general fund—state fiscal year 1999 appropriation are provided solely as a grant for the community connections program in Walla Walla county.

(9) \$300,000 of the general fund—state fiscal year 1998 appropriation and \$300,000 of the general fund—state fiscal year 1999 appropriation are provided solely to contract with the Washington state association of court-appointed special

advocates/guardians ad litem (CASA/GAL) to establish pilot programs in three counties to recruit additional community volunteers to represent the interests of children in dependency proceedings. Of this amount, a maximum of \$30,000 shall be used by the department to contract for an evaluation of the effectiveness of CASA/GAL in improving outcomes for dependent children. The evaluation shall address the cost-effectiveness of CASA/GAL and to the extent possible, identify savings in other programs of the state budget where the savings resulted from the efforts of the CASA/GAL volunteers. The department shall report to the governor and legislature by October 15, 1998.

(10) \$75,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for state sponsorship of the "BIO 99" international biotechnology conference and exhibition in the Seattle area in 1999.

(11) \$698,000 of the general fund—state appropriation for fiscal year 1998, \$697,000 of the general fund—state appropriation for fiscal year 1999, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations.

(12) \$50,000 of the general fund—state appropriation for fiscal year 1998 and \$50,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to expand the long-term care ombudsman program.

(13) \$60,000 of the general fund—state appropriation for fiscal year 1998 and \$60,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for implementation of the Puget Sound work plan action item DCTED-01.

(14) \$20,000 of the general fund—state appropriation for fiscal year 1998 is provided solely for a task force on tourism promotion and development. The task force shall report to the legislature on its findings and recommendations by January 31, 1998.

(15) \$61,000 of the general fund—state appropriation for fiscal year 1998 and \$60,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the pacific northwest economic region (PNWER).

(16) \$123,000 of the general fund—state appropriation for fiscal year 1998 and \$124,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the community development finance program.

(17) Within the appropriations provided in this section, the department shall conduct a study of possible financial incentives to assist in revitalization of commercial areas and report its findings and recommendations to the appropriate committees of the legislature by November 15, 1997.

~~((19))~~ (18) \$1,000,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the development of housing for low-income temporary or migrant farm workers through grants awarded after the effective date of this act. The legislature finds that providing housing for low-income temporary or migrant workers is a public purpose. The department shall prioritize grants and shall award grants on a competitive basis to local governments, nonprofit corporations, or other nonprofit entities. Grant moneys awarded by the department under this subsection

may be matched by nonstate sources on a dollar-for-dollar basis, in cash or in-kind. Of the amount provided in this subsection, \$100,000 is provided solely for restroom and shower facilities at the Horn Rapids Park in Benton county; no match need be provided for this project. The amount provided in this subsection is contingent upon enactment of sections 1 through 8 of Second Substitute Senate Bill No. 6168. If any of these sections of the bill are not enacted by June 30, 1998, this subsection is null and void, and the amounts provided in this subsection shall lapse. Any amounts provided in this subsection not committed to grants by June 30, 1999, shall lapse.

~~((20))~~ (19) \$275,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for coastal erosion project grants to the city of Ocean Shores.

~~((21))~~ (20) \$191,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the implementation of Substitute House Bill No. 2556 (child abuse prevention and treatment). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

~~((22))~~ (21) \$965,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the implementation of Substitute Senate Bill No 6655 (Spokane intercollegiate research and technology institute).

~~((23))~~ (22) \$92,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6560 (electric power customer rights). For any portion of the appropriation that is expended for contracted services, the department shall: (a) Form an advisory committee consisting of representatives from public utility districts and residential, commercial, and industrial customers; and (b) submit for review and approval by the advisory committee the request for proposal and selection of the successful bidder or bidders. If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

~~((24))~~ (23) \$383,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the emergency food assistance program.

~~((25))~~ (24) \$120,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for grants to licensed overnight youth shelters for the purpose of assisting the shelters in meeting the minimum requirements for receiving a license under chapter 74.15 RCW. The department may provide grants of up to twenty thousand dollars per year for each shelter. Only shelters that are currently licensed are eligible to receive the grants. Funds may be used for the following purposes, including but not limited to: Additional staff, food, facility maintenance, or beds, provided that these costs are necessary to meet the licensing and facility standards adopted by the department of social and health services. For purposes of this subsection, "overnight youth shelter" means a licensed facility operated by a nonprofit agency that provides overnight shelter to homeless or runaway youth because of family problems or dysfunctions.

~~((26))~~ (25) \$27,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the sexual assault program within the office of crime victims advocacy.

~~((27))~~ (26) \$37,000 of the general fund—state appropriation for fiscal year 1998 and \$128,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for deposit in the state trade fair fund. If Engrossed Second Substitute Senate Bill No. 6562 is not enacted by June 30, 1998, the amounts provided in this subsection shall lapse.

~~((28))~~ (27) \$1,100,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the early childhood education and assistance program.

(28) \$1,000,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for warehouse space and equipment and other purchases necessary to store food acquired under the emergency food assistance program.

Sec. 1116. 1997 c 149 s 143 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account

Appropriation	\$	((978,000))
		<u>1,001,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$22,000 of the certified public accountants' account appropriation is provided solely for the implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amount provided shall lapse.

Sec. 1117. 1998 c 346 s 128 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 1998)	\$	8,602,000
General Fund—State Appropriation (FY 1999)	\$	((9,390,000))
		<u>21,863,000</u>
General Fund—Federal Appropriation	\$	((34,314,000))
		<u>34,304,000</u>
General Fund—Private/Local Appropriation	\$	238,000
Flood Control Assistance Account Appropriation	\$	3,000,000
Enhanced 911 Account Appropriation	\$	((26,782,000))
		<u>29,392,000</u>
Disaster Response Account—State Appropriation	\$	((25,487,000))
		<u>29,810,000</u>
Disaster Response Account—Federal Appropriation	\$	((10,812,000))
		<u>139,285,000</u>
TOTAL APPROPRIATION	\$	((218,625,000))
		<u>266,494,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$365,000 of the general fund—state appropriation for fiscal year 1998, ~~(\$1,145,000)~~ \$12,798,000 of the general fund—state appropriation for fiscal year 1999, \$3,000,000 of the flood control assistance account appropriation, and \$6,197,000 of the general fund—federal appropriation are provided solely for deposit in the disaster response account to cover costs pursuant to subsection (2) of this section.

(2) ~~(\$25,122,000)~~ \$27,996,000 of the disaster response account—state appropriation is provided ~~(solely)~~ for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disaster number 1079 (November/December 1995 storms), FEMA disaster 1100 (February 1996 floods), FEMA disaster 1152 (November 1996 ice storm), FEMA disaster 1159 (December 1996 holiday storm), FEMA disaster 1172 (March 1997 floods), FEMA disaster 1252 (1998 northeast counties floods), FEMA disaster 1255 (1998 Kelso landslide), and to assist local governmental entities with the matching funds necessary to earn FEMA funds for FEMA disaster 1100 (February 1996 floods), or, after approval by the director of financial management, the state share of response and recovery costs associated with FEMA declared disasters occurring between February 1, 1999, and June 30, 1999. ~~(\$356,000)~~ \$1,805,000 of the disaster response account—state appropriation is provided solely for fire mobilization costs. \$9,000 of the disaster response account—state appropriation is provided solely for costs associated with FEMA disaster 1182 (Pend Oreille county 1997 spring flood). The military department may, upon approval of the director of the office of financial management, use portions of the disaster response account—state appropriation to offset costs of new disasters occurring before June 30, 1999.

(3) \$100,000 of the general fund—state fiscal year 1998 appropriation and \$100,000 of the general fund—state fiscal year 1999 appropriation are provided solely for the implementation of a conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$35,000 of the general fund—state fiscal year 1998 appropriation and \$35,000 of the general fund—state fiscal year 1999 appropriation are provided solely for the north county emergency medical service.

(5) \$36,000 of the general fund—state fiscal year 1998 appropriation and \$72,000 of the general fund—state fiscal year 1999 appropriation are provided solely for emergency worker claims pursuant to chapter 38.52 RCW.

(6) \$825,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for reimbursement of costs associated with activation of the Washington national guard for preserving the peace at the July 1998 Makah days celebration.

(7) \$2,610,000 of the enhanced 911 account appropriation is provided solely for salary assistance to counties with populations under seventy-five thousand in conformance with chapter 304, Laws of 1998 (Substitute House Bill No. 1126). The military department, in consultation with the enhanced 911 advisory

committee, shall develop criteria for providing salary assistance which shall be based on, but not limited to, the following: (a) The additional staffing costs incurred by public safety answering points directly related to providing enhanced 911 services; (b) disproportionate fiscal impact relative to the county budget for providing enhanced 911 services; and (c) the most efficient and cost-effective way to provide enhanced 911 service.

PART XII

HUMAN SERVICES—SUPPLEMENTAL APPROPRIATIONS

Sec. 1201. 1998 c 346 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (3) of this section, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in chapters 149 and 454, Laws of 1997, as amended, shall be expended for the programs and in the amounts specified therein. However, after May 1, 1998, unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 1998 among programs after approval by the director of financial management. ~~((However, the department shall not transfer general fund—state appropriations from the economic services program for the 1997-99 fiscal biennium.))~~

(b) After May 1, 1999, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer moneys among programs, including federal moneys that are provided solely for a specified purpose. However, the department shall not transfer state moneys that are

provided solely for a specified purpose except as expressly provided in subsection (3)(d) of this section.

(c) To the extent that the transfer of appropriations under subsection (a) of this section is insufficient to fund actual expenditures in fiscal year 1998 in the medical assistance program that exceed the expenditures projected in the November 1997 medical assistance caseload forecast, the department may transfer general fund appropriations, not to exceed five million dollars, within the medical assistance program from fiscal year 1999 into fiscal year 1998.

~~((e)) (d) To the extent that transfers under subsection (3)(b) of this section are insufficient to fund actual expenditures in excess of fiscal year 1999 caseload forecasts and utilization assumptions in the medical assistance, long term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management,~~

(e) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

Sec. 1202. 1998 c 346 s 202 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
 CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund—State Appropriation (FY 1998)	\$	201,453,000
General Fund—State Appropriation (FY 1999)	\$	((213,035,000))
		<u>197,003,000</u>
General Fund—Federal Appropriation	\$	((252,300,000))
		<u>293,509,000</u>
General Fund—Private/Local Appropriation	\$	400,000
Violence Reduction and Drug Enforcement Account		
Appropriation	\$	4,332,000
TOTAL APPROPRIATION	\$	((671,520,000))
		<u>696,697,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,510,000 of the general fund—state appropriation for fiscal year 1998 ~~((and \$17,508,000 of the general fund—state appropriation for fiscal year 1999 are))~~ is provided solely for purposes consistent with the maintenance of effort requirements under the federal temporary assistance for needy families program established under P.L. 104-193.

(2) \$4,332,000 of the violence reduction and drug enforcement account appropriation and \$3,733,000 of the general fund—federal appropriation are provided solely for the operation of the family policy council, the community public health and safety networks, and delivery of services authorized under the federal family preservation and support act. Within the funds provided, the family policy council shall contract for an evaluation of the community networks with the

institute for public policy and shall provide for audits of ten networks. Within the funds provided, the family policy council may build and maintain a geographic information system database tied to community network geography.

(3) \$577,000 of the general fund—state fiscal year 1998 appropriation and \$577,000 of the general fund—state fiscal year 1999 appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(4) \$481,000 of the general fund—state fiscal year 1998 appropriation and \$481,000 of the general fund—state fiscal year 1999 appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(5) \$640,000 of the general fund—state appropriation for fiscal year 1998 and \$640,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to fund Second Substitute Senate Bill No. 5710 (juvenile care and treatment), including section 2 of the bill. Amounts provided in this subsection to implement Second Substitute Senate Bill No. 5710 must be used to serve families who are screened from the child protective services risk assessment process. Services shall be provided through contracts with community-based organizations. If neither bill is enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(6) \$594,000 of the general fund—state appropriation for fiscal year 1998, \$556,000 of the general fund—state appropriation for fiscal year 1999, and \$290,000 of the general fund—federal appropriation are provided solely to fund the provisions of Engrossed Second Substitute House Bill No. 2046 (foster parent liaison). The department shall establish a foster parent liaison in each department of social and health services region of the state and contract with a private provider to implement a recruitment and retention program for foster parents and adoptive families. The department shall provide a minimum of two hundred additional adoptive and foster home placements by June 30, 1998. If the bill is not enacted by June 30, 1997, the amounts in this subsection shall lapse.

(7) \$433,000 of the fiscal year 1998 general fund—state appropriation, \$395,000 of the fiscal year 1999 general fund—state appropriation, and \$894,000 of the general fund—federal appropriation are provided solely to increase the rate paid to private child-placing agencies.

(8) \$580,000 of the general fund—state appropriation for fiscal year 1998 and \$580,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for development and expansion of child care training requirements and optional training programs. The department shall adopt rules to require annual training in early childhood development of all directors, supervisors, and lead staff at child care facilities. Directors, supervisors, and lead staff at child care facilities include persons licensed as family child care providers, and persons employed at child care centers or school age child care centers. The department shall establish a program to fund scholarships and grants to assist persons in meeting these training requirements. The department shall also develop criteria for approving training programs and establish a system for tracking who has received the required level of training. In adopting rules, developing curricula, setting up systems, and administering scholarship programs, the department shall consult with the child care coordinating committee and other community stakeholders.

(9) The department shall provide a report to the legislature by November 1997 on the growth in additional rates paid to foster parents beyond the basic monthly rate. This report shall explain why exceptional, personal, and special rates are being paid for an increasing number of children and why the amount paid for these rates per child has risen in recent years. This report must also recommend methods by which the legislature may improve the current foster parent compensation system, allow for some method of controlling the growth in costs per case, and improve the department's and the legislature's ability to forecast the program's needs in future years.

(10) \$100,000 of the general fund—state appropriation for fiscal year 1998 and \$100,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for legal costs associated with the defense of vendors operating a secure treatment facility, for actions arising from the good faith performance of treatment services for behavioral difficulties or needs.

(11) \$2,745,000 of the fiscal year 1998 general fund—state appropriation, \$2,745,000 of the fiscal year 1999 general fund—state appropriation, and \$1,944,000 of the general fund—federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(12) \$1,642,000 of the fiscal year 1998 general fund—state appropriation and \$1,207,000 of the fiscal year 1999 general fund—state appropriation and \$1,551,000 of the general fund—federal appropriation are provided solely to continue existing continuum of care and street youth projects.

(13) \$1,456,000 of the general fund—state appropriation for fiscal year 1998, \$1,474,000 of the general fund—state appropriation for fiscal year 1999 and \$1,141,000 of the general fund—federal appropriation are provided solely for the

improvement of quality and capacity of the child care system and related consumer education. The activities funded by this appropriation shall include, but not be limited to: Expansion of child care resource and referral network services to serve additional families, to provide technical assistance to child care providers, and to cover currently unserved areas of the state; development of and incentives for child care during nonstandard work hours; and the development of care for infants, toddlers, preschoolers, and school age youth. These amounts are provided in addition to funding for child care training and fire inspections of child care facilities. These activities shall also improve the quality and capacity of the child care system.

(14)(a) \$6,565,000 of the general fund—state appropriation for fiscal year 1998 and \$7,454,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per petition processing costs nor shall it penalize counties with lower than average per petition processing costs.

(b) Each quarter during the 1997-1999 fiscal biennium, each county shall report the number of petitions processed and the total costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(15) \$70,000 of the fiscal year 1999 general fund—state appropriation is provided solely for foster parent intervention support teams.

(16) \$255,000 of the general fund—state appropriation for fiscal year 1999 and \$67,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 2556 (child abuse prevention and treatment). If the bill is not enacted by June 30, 1998, the amounts provided in this subsection shall lapse.

(17) The department and the attorney general shall jointly make recommendations to the legislature to reduce or limit the state's liability for damages in child welfare cases, including shelter care and dependency proceedings. The recommendations shall be submitted to the appropriate committees of the legislature by December 1, 1998.

(18) To the extent funds are available, the department shall pay the expense of fingerprint criminal history record checks for low-income family day care

homes through the federal bureau of investigation. The department may promulgate rules to set eligibility levels.

(19) Sufficient funding is provided in this section to implement Engrossed Substitute Senate Bill No. 6238 (dependent children).

**Sec. 1203. 1998 c 346 s 203 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
JUVENILE REHABILITATION PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 1998)	\$	35,894,000
General Fund—State Appropriation (FY 1999)	\$	((35,522,000))
		<u>34,366,000</u>
General Fund—Federal Appropriation	\$	((13,365,000))
		<u>8,701,000</u>
General Fund—Private/Local Appropriation	\$	378,000
Violence Reduction and Drug Enforcement Account		
Appropriation	\$	14,080,000
TOTAL APPROPRIATION	\$	((99,239,000))
		<u>93,419,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$527,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account solely for costs to the criminal justice system associated with the implementation of Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If Engrossed Third Substitute House Bill No. 3900 is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. The amount provided in this subsection is intended to provide funding for county adult court costs associated with the implementation of Engrossed Third Substitute House Bill No. 3900 and shall be distributed in accordance with RCW 82.14.310.

(b) \$2,917,000 of the violence reduction and drug enforcement account is provided solely for the implementation of Engrossed Third Substitute Senate Bill No. 3900 (revising the juvenile code). The amount provided in this subsection is intended to provide funding for county impacts associated with the implementation of Third Substitute Senate Bill No. 3900 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula. If the bill is not enacted by June 30, 1997, the amounts provided shall lapse.

(c) \$2,350,000 of the general fund—state fiscal year 1998 appropriation and \$2,350,000 of the general fund—state fiscal year 1999 appropriation are provided solely for an early intervention program to be administered at the county level. Moneys shall be awarded on a competitive basis to counties that have submitted plans for implementation of an early intervention program consistent with proven methodologies currently in place in the state. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a

timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(d) \$1,221,000 of the violence reduction and drug enforcement appropriation is provided solely to implement alcohol and substance abuse treatment for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that have submitted a plan for the provision of treatment services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation. If Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions) is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(e) \$100,000 of the general fund—state fiscal year 1998 appropriation and \$100,000 of the general fund—state fiscal year 1999 appropriation are provided solely for the juvenile rehabilitation administration to contract with the institute for public policy for the responsibilities assigned in Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(f) \$400,000 of the violence reduction and drug enforcement account appropriation is provided solely for the development of standards measuring the effectiveness of chemical dependency treatment and for conducting evaluations of chemical dependency programs pursuant to Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. The juvenile rehabilitation administration shall consult with the division of alcohol and substance abuse and contract with the University of Washington to develop the standards and conduct the evaluations.

(g) \$150,000 of the general fund—state fiscal year 1998 appropriation and \$150,000 of the general fund—state fiscal year 1999 appropriation are provided solely for a contract to expand the services of the teamchild project to additional sites. Priority use of these funds shall be to provide teamchild service to early repeat offenders to help ensure they receive appropriate child welfare and educational services.

(h) \$2,700,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile justice). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(i) (~~(\$2,175,000)~~) \$1,185,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the implementation of Second Substitute Senate Bill No. 6445 (child community facility placement). If the bill is not enacted by June 30, 1998, the amounts provided in this subsection shall lapse. The funds are intended to improve the security of state-operated and privately

contracted group homes. By June 30, 1999, the juvenile rehabilitation administration shall report to the appropriate policy and fiscal committees of the legislature on the specific actions, and the cost of each action, taken to improve security at both state-operated and contracted group homes.

(j) \$150,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the Skagit county delinquency prevention project.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 1998)	\$	43,909,000
General Fund—State Appropriation (FY 1999)	\$	((45,977,000))
		<u>42,912,000</u>
General Fund—Private/Local Appropriation	\$	727,000
Violence Reduction and Drug Enforcement Account		
Appropriation	\$	15,281,000
TOTAL APPROPRIATION	\$	((105,894,000))
		<u>102,829,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$3,680,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(b) \$105,000 of the general fund—state appropriation for fiscal year 1998 and \$377,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for costs associated with implementing chapter 386, Laws of 1997 (juvenile care and treatment).

(c) \$44,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to implement House Bill No. 1172 (sex offender registration). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 1998)	\$	1,930,000
General Fund—State Appropriation (FY 1999)	\$	1,654,000
General Fund—Federal Appropriation	\$	156,000
Violence Reduction and Drug Enforcement Account		
Appropriation	\$	421,000
TOTAL APPROPRIATION	\$	4,161,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$92,000 of the general fund—state fiscal year 1998 appropriation and \$36,000 of the general fund—state fiscal year 1999 appropriation are provided solely for the implementation of Substitute Senate Bill No. 5759 (risk

classification). If the bill is not enacted by June 30, 1997, the amounts provided shall lapse.

(b) \$206,000 of the general fund—state fiscal year 1998 appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5710 (juvenile care and treatment). If the bill is not enacted by June 30, 1997, the amount provided shall lapse.

(c) \$97,000 of the general fund—state fiscal year 1998 appropriation and \$36,000 of the general fund—state fiscal year 1999 appropriation are provided solely for the implementation of Engrossed Third Substitute House Bill No. 3900 (juvenile code revisions). If the bill is not enacted by June 30, 1997, the amounts provided shall lapse.

(d) Within the amounts provided in this subsection, the juvenile rehabilitation administration (JRA) shall develop by January 1, 1998, a staffing model for noncustody functions at JRA institutions and work camps. The models should, whenever possible, reflect the most efficient practices currently being used within the system.

(e) \$15,000 of the general fund—state appropriation for fiscal year 1998 and \$175,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the study required in Second Substitute Senate Bill No. 6445 (child community facility placement). If the bill is not enacted by June 30, 1998, the amounts provided in this subsection shall lapse. The juvenile rehabilitation administration (JRA) shall contract with the institute for public policy for the studies required by the bill.

Sec. 1204. 1998 c 346 s 204 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
 MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund—State Appropriation (FY 1998)	\$	170,940,000
General Fund—State Appropriation (FY 1999)	\$	((173,645,000))
		<u>168,663,000</u>
General Fund—Federal Appropriation	\$	((299,651,000))
		<u>287,989,000</u>
General Fund—Private/Local Appropriation	\$	4,000,000
TOTAL APPROPRIATION	\$	((648,236,000))
		<u>631,592,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund—state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund—state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks

reimburse the aging and adult services program for the general fund—state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$1,304,000 of the general fund—state appropriation for fiscal year 1998, \$3,356,000 of the general fund—state appropriation for fiscal year 1999, and \$5,056,000 of the general fund—federal appropriation are provided solely for distribution to those regional support networks whose 1997-99 allocation would otherwise be less than the regional support network would receive if all funding appropriated in this subsection (1) of this section for medicaid outpatient mental health services were distributed among all regional support networks at the state-wide average per capita rate for each eligibility category.

(d) At least thirty days prior to entering contracts that would capitate payments for voluntary psychiatric hospitalizations, the mental health division shall report the proposed capitation rates, and the assumptions and calculations by which they were established, to the budget and forecasting divisions of the office of financial management, the appropriations committee of the house of representatives, and the ways and means committee of the senate.

(e) \$533,000 of the general fund—state appropriation for fiscal year 1999 and \$587,000 of the general fund—federal appropriation are provided solely for the implementation of the Second Substitute Senate Bill No. 6214 (mentally ill commitment). If the bill is not enacted by June 30, 1998, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 1998)	\$	62,368,000
General Fund—State Appropriation (FY 1999)	\$	((60,698,000))
		<u>61,605,000</u>
General Fund—Federal Appropriation	\$	((133,504,000))
		<u>136,682,000</u>
General Fund—Private/Local Appropriation	\$	((25,007,000))
		<u>26,692,000</u>
TOTAL APPROPRIATION	\$	((281,577,000))
		<u>287,347,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) \$246,000 of the general fund—state fiscal year 1998 appropriation and \$318,000 of the general fund—state fiscal year 1999 appropriation are provided solely for funding outside medical costs. The mental health division shall provide a report on outside medical costs to the fiscal committees of the legislature by

September 30, 1998, and September 30, 1999. The report shall detail the monthly and per capita expenditures for outside medical costs at each state hospital.

(d) \$256,000 of the general fund—state fiscal year 1998 appropriation and \$254,000 of the general fund—state fiscal year 1999 appropriation are provided solely for funding pharmacy and new drug costs. The mental health division shall provide a report on pharmacy and new drug costs to the fiscal committees of the legislature by September 30, 1998, and September 30, 1999. The report shall detail monthly and per capita expenditures for pharmacy and new drug costs for each state hospital. Expenditures for each new generation atypical antipsychotic medication including clozapine, resperidone, olanzapine, and any newly introduced medications of this nature shall be specifically reported.

(e) \$1,700,000 of the general fund—state fiscal year 1998 appropriation is provided solely for replacing lost federal revenues in fiscal year 1998 due to a changed definition of discharge for medicare reimbursement purposes. The mental health division must aggressively pursue the prompt resolution of issues resulting in this loss of revenues with the federal health care financing administration. In the event any or all of the lost federal revenues are restored, an equal amount of the general fund—state fiscal year 1998 appropriation shall lapse.

(f) Within the funds provided in this section, the mental health division shall develop by October 1, 1998, a staffing model for direct and indirect functions for the wards at each of the state hospitals. The model should, whenever possible, reflect the most efficient practices for providing treatment and therapeutic services appropriate to the characteristics and needs of the individual patient.

(g) \$1,508,000 of the general fund—state appropriation for fiscal year 1999, \$92,000 of the general fund—federal appropriation, and \$107,000 of the general fund private/local appropriation are provided solely for the implementation of the Second Substitute Senate Bill No. 6214 (mentally ill commitment). If the bill is not enacted by June 30, 1998, the amounts provided in this subsection shall lapse.

(3) CIVIL COMMITMENT

General Fund Appropriation (FY 1998)	\$	7,174,000
General Fund Appropriation (FY 1999)	\$	((7,779,000))
		<u>8,079,000</u>
TOTAL APPROPRIATION	\$	((14,953,000))
		<u>15,253,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: ~~((a))~~ \$2,088,000 of the general fund—state fiscal year 1998 appropriation and \$2,415,000 of the general fund—state fiscal year 1999 appropriation are provided solely for court-related costs for residents at the special commitment center.

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 1998)	\$	50,000
General Fund—State Appropriation (FY 1999)	\$	((450,000))
		<u>5,233,000</u>

General Fund—Federal Appropriation	\$	3,826,000
TOTAL APPROPRIATION	\$	((4,326,000))
		<u>9,109,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$50,000 of the general fund—state appropriation for fiscal year 1998 and \$450,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for development and operation of the pilot project for mentally ill offenders described in Substitute Senate Bill No. 6002 (mentally ill offenders). If the bill is not enacted by June 30, 1997, the amounts provided shall lapse.

(b) \$4,783,000 of the fiscal year 1999 general fund—state appropriation is provided solely for payment of back wages and benefits as required by the judgment in *Johanson and the Washington Federation of State Employees v. State of Washington* (Thurston county superior court cause no. 94-2-01459-2).

(5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 1998)	\$	2,537,000
General Fund—State Appropriation (FY 1999)	\$	2,569,000
General Fund—Federal Appropriation	\$	3,085,000
TOTAL APPROPRIATION	\$	8,191,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$60,000 of the general fund—state appropriation for fiscal year 1998 is provided solely to increase the department's capacity to carry out legislative intent set forth in RCW 71.24.400 through 71.24.415. To facilitate this activity, the secretary shall appoint an oversight committee of project stakeholders including representatives from: Service providers, mental health regional support networks, the department's mental health division, the department's division of alcohol and substance abuse, the department's division of children and family services, and the department's medical assistance administration. The oversight group shall continue to seek ways to streamline service delivery as set forth in RCW 71.24.405 until at least July 1, 1998.

(b) \$96,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the implementation of Second Substitute Senate Bill No. 6214 (mentally ill commitment). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(c) \$100,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the evaluation required by Second Substitute Senate Bill No. 6214 (mentally ill commitment). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse. The mental health division shall contract with the institute for public policy for this evaluation.

Sec. 1205. 1998 c 346 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
DEVELOPMENTAL DISABILITIES PROGRAM**

Notwithstanding any other limitations in this section, the secretary shall transfer \$1,140,000 of the general fund—state appropriation, and \$1,060,000 of the general fund—federal appropriation, or so much thereof as may be necessary, among subsections of this section to implement Second Substitute Senate Bill No. 6751 (developmental disabilities service options).

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 1998)	\$	147,757,000
General Fund—State Appropriation (FY 1999)	\$	((166,773,000))
		<u>168,604,000</u>
General Fund—Federal Appropriation	\$	((226,737,000))
		<u>227,012,000</u>
Health Services Account Appropriation	\$	((639,000))
		<u>226,000</u>
TOTAL APPROPRIATION	\$	((541,906,000))
		<u>543,599,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and ((~~\$692,000~~)) \$243,000 of the general fund—federal appropriation are provided solely for the enrollment in the basic health plan of home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts. Enrollment in the basic health plan for home care workers with family incomes at or above 200 percent of poverty shall be covered with general fund—state and matching general fund—federal revenues that were identified by the department to have been previously appropriated for health benefits coverage, to the extent that these funds had not been contractually obligated for worker wage increases prior to March 1, 1996.

(b) \$365,000 of the general fund—state appropriation for fiscal year 1998 and \$1,543,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for employment, or other day activities and training programs, for young people who complete their high school curriculum in 1997 or 1998.

(c) (~~(\$24,399,000 of the general fund—state appropriation for fiscal year 1998 and \$28,729,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to deliver personal care services. Within these amounts, sufficient funding is provided to restore funding for medicaid personal care exceptional rates to the fiscal year 1997 level. If the secretary of social and health services determines that total expenditures are likely to exceed these appropriated amounts; the secretary shall take action as required by RCW 74.09.520 to adjust either functional eligibility standards or service levels or both sufficiently to maintain expenditures within appropriated levels. Such action may include the adoption of emergency rules and may not be taken to the extent that projected over-~~

~~expenditures are offset by under-expenditures elsewhere within the program's general fund—state appropriation. Prior to making eligibility changes which would terminate all services to some persons, the secretary should first exercise all opportunities to manage the average cost per person served, through methods such as promoting the use of informal care; assuring that local offices are effectively and consistently authorizing the least expensive level of care which can meet recipient needs; and reducing on a sliding scale basis the amount of service authorized per functional need level, with smaller reductions for greater levels of need.~~

~~—(d))~~ \$144,000 of the general fund—state appropriation for fiscal year 1998, \$453,000 of the general fund—state appropriation for fiscal year 1999, and \$654,000 of the general fund—federal appropriation are provided solely to continue operation of the united cerebral palsy residential center during the period in which its residents are phasing into new community residences.

~~((e))~~ (d) \$197,000 of the general fund—state appropriation for fiscal year 1998 and \$197,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with disabilities.

~~((e))~~ (e) \$2,151,000 of the general fund—state appropriation for fiscal year 1998, \$5,782,000 of the general fund—state appropriation for fiscal year 1999, and \$8,362,000 of the general fund—federal appropriation are provided solely to develop and operate secure residential and day program placements for persons who seem likely to present a significant risk to the public safety if their current residential arrangement were to continue.

~~((h) \$426,000)~~ (f) \$860,000 of the general fund—state appropriation for fiscal year 1999 and ~~((469,000))~~ \$927,000 of the general fund—federal appropriation are provided solely to develop and operate community services for persons residing at, or at risk of commitment to, eastern and western state hospitals whose needs are such that they cannot be served in existing community vacancies.

~~((f))~~ (g) \$200,000 of the general fund—state appropriation for fiscal year 1998 and \$1,592,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for employment and day program services for adults who are not currently able to participate in such services because of funding limitations.

~~((f))~~ (h) \$105,000 of the general fund—state appropriation for fiscal year 1998, \$933,000 of the general fund—state appropriation for fiscal year 1999, and \$1,029,000 of the general fund—federal appropriation are provided solely to develop and operate community services for persons moving from the residential habilitation centers as a result of an agreement with the federal department of justice or a settlement agreement to a lawsuit.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 1998)	\$	65,277,000
General Fund—State Appropriation (FY 1999)	\$	((64,187,000))
		<u>62,843,000</u>

General Fund—Federal Appropriation	\$	((145,897,000))
		<u>145,949,000</u>
General Fund—Private/Local Appropriation	\$	((9,729,000))
		<u>9,979,000</u>
TOTAL APPROPRIATION	\$	((285,090,000))
		<u>284,048,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) With the funds appropriated in this subsection, the secretary of social and health services shall develop an eight-bed program at Yakima valley school specifically for the purpose of providing respite services to all eligible individuals on a state-wide basis, with an emphasis on those residing in central Washington.

(b) \$112,000 of the general fund—state appropriation for fiscal year 1998, \$113,000 of the general fund—state appropriation for fiscal year 1999, and \$75,000 of the general fund—federal appropriation are provided solely for a nursing community outreach project at Yakima valley school. Registered nursing staff are to provide nursing assessments, consulting services, training, and quality assurance on behalf of individuals residing in central Washington.

(c) \$200,000 of the general fund—state appropriation for fiscal year 1998, \$200,000 of the general fund—state appropriation for fiscal year 1999, and \$400,000 of the general fund—federal appropriation are provided solely for the development of a sixteen-bed program at Yakima valley school specifically for the purpose of providing respite services to all eligible individuals on a state-wide basis, with an emphasis on those residing in central Washington.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 1998)	\$	2,530,000
General Fund—State Appropriation (FY 1999)	\$	2,501,000
General Fund—Federal Appropriation	\$	1,637,000
TOTAL APPROPRIATION	\$	6,668,000

(4) SPECIAL PROJECTS

General Fund—Federal Appropriation	\$	12,030,000
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Sec. 1206. 1998 c 346 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM

General Fund—State Appropriation (FY 1998)	\$	409,469,000
General Fund—State Appropriation (FY 1999)	\$	((425,130,000))
		<u>420,905,000</u>
General Fund—Federal Appropriation	\$	((910,685,000))
		<u>899,950,000</u>
General Fund—Local Appropriation	\$	((1,781,000))
		<u>1,757,000</u>
Health Services Account Appropriation	\$	((2,232,000))

	<u>1,940,000</u>
TOTAL APPROPRIATION	\$ ((1,749,297,000))
	<u>1,734,021,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~The entire health services account appropriation ((and \$2,175,000 of the general fund—federal appropriation are)) is provided solely for the enrollment in the basic health plan of home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts. Enrollment in the basic health plan for home care workers with family incomes at or above 200 percent of poverty shall be covered with general fund—state and matching general fund—federal revenues that were identified by the department to have been previously appropriated for health benefits coverage, to the extent that these funds had not been contractually obligated for worker wage increases prior to March 1, 1996.~~

(2) \$1,277,000 of the general fund—state appropriation for fiscal year 1998 and \$1,277,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for operation of the volunteer chore program.

~~(3) ((\$113,534,000 of the general fund—state appropriation for fiscal year 1998, \$125,310,000 of the general fund—state appropriation for fiscal year 1999, of which no less than forty-nine percent shall be allotted for expenditure during the first six months of fiscal year 1999, and \$7,374,000 of the general fund—federal social services block grant appropriation, are provided solely to deliver chore, COPES, and medicaid personal care services. If the secretary of social and health services determines that total expenditures are likely to exceed these amounts, the secretary shall take action as required by RCW 74.09.520, 74.39A.120, and 74.09.530 to adjust functional eligibility standards and/or service levels sufficiently to maintain expenditures within appropriated levels. Such action may include the adoption of emergency rules, and shall not be taken to the extent that projected over-expenditures are offset by under-expenditures resulting from lower than budgeted nursing home caseloads. Prior to making eligibility changes which would terminate all services to some persons, the secretary should first exercise all opportunities to manage the average cost per person served, through methods such as promoting the use of informal care; assuring that local offices are effectively and consistently authorizing the least expensive level of care that can meet recipient needs; using waiting lists for individuals with lower levels of need in order to limit monthly growth; and reducing on a sliding scale basis the amount of service authorized per functional need level, with smaller reductions for greater levels of need.~~

~~(4) \$1,080,000 of the general fund—state appropriation for fiscal year 1999 is provided to maintain service eligibility for persons receiving services through the chore, COPES, or medicaid personal care programs in the event eligibility adjustments may be necessary or are made in accordance with subsection (3) of~~

~~this section. The department may use seventy-five percent of amounts not needed for that purpose to implement quality of care enhancements.~~

~~—(5))~~ \$26,000 of the general fund—state appropriation for fiscal year 1998, \$59,000 of the general fund—state appropriation for fiscal year 1999, and \$85,000 of the general fund—federal appropriation are provided solely to employ registered nurses rather than social workers to fill six of the new field positions to be filled in fiscal year 1998 and seven more of the new positions to be filled in fiscal year 1999. These registered nurses shall conduct assessments, develop and monitor service plans, and consult with social work staff to assure that persons with medical needs are placed in and receive the appropriate level of care.

~~((6))~~ (4) \$425,000 of the general fund—state appropriation for fiscal year 1998 and \$882,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to implement Second Substitute Senate Bill No. 5179 (nursing facility reimbursement). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

~~((7))~~ (5) \$242,000 of the general fund—state appropriation for fiscal year 1998, \$212,000 of the general fund—state appropriation for fiscal year 1999, and \$498,000 of the general fund—federal appropriation are provided solely for operation of a system for investigating allegations of staff abuse and neglect in nursing homes, as provided in Second Substitute House Bill No. 1850 (long-term care standards of care).

~~((8))~~ (6) For purposes of implementing ~~((Second Substitute House Bill No. 2935))~~ chapter 322, Laws of 1998 (nursing ~~((facility))~~ home payment rates), the weighted average nursing facility payment rate for fiscal year 1999 shall be no more than ~~(((\$117.36))~~ \$116.60, excluding nurse's aide training. Each nursing facility's July 1 through September 30, 1998, medicaid payment rate shall be its June 30, 1998, rate increased by 2.0 percent, except for the property and return on investment component rates, which shall not be increased. Beginning October 1, 1998, component rates rebased on 1996 costs shall be adjusted for economic trends and conditions by 5.18 percent.

~~((9))~~ (7) \$50,000 of the general fund—state appropriation for fiscal year 1998 and \$50,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

~~((10))~~ (8) \$506,000 of the general fund—state appropriation for fiscal year 1998, \$502,000 of the general fund—state appropriation for fiscal year 1999, and \$1,095,000 of the general fund—federal appropriation are provided solely for an

increase in the state payment rates for adult residential care and enhanced adult residential care.

~~((11) \$274,000 of the general fund—state appropriation for fiscal year 1998, \$1,357,000 of the general fund—state appropriation for fiscal year 1999, and the entire general fund—local appropriation are provided solely for boarding home licensure and quality assurance by the department of social and health services only if Engrossed House Bill No. 2410 (boarding home administration) is enacted by June 30, 1998. If the bill is not enacted, the amounts provided in this subsection shall be allocated to the department of health, which will manage the boarding home licensure and quality assurance program.))~~

Sec. 1207. 1998 c 346 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 1998)	\$	508,243,000
General Fund—State Appropriation (FY 1999)	\$	((512,200,000))
		<u>507,154,000</u>
General Fund—Federal Appropriation	\$	((951,615,000))
		<u>881,335,000</u>
TOTAL APPROPRIATION	\$	((1,972,058,000))
		<u>1,896,732,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The legislature finds that, with the passage of the federal personal responsibility and work opportunity act and Engrossed House Bill No. 3901, the temporary assistance for needy families is no longer an entitlement. The legislature declares that the currently appropriated level for the program is sufficient for the next few budget cycles. ~~((To the extent, however, that currently appropriated amounts exceed costs during the 1997-99 biennium, the department is encouraged to set aside excess federal funds for use in future years.))~~

(2) \$485,000 of the general fund—state fiscal year 1998 appropriation, \$3,186,000 of the general fund—state fiscal year 1999 appropriation, and \$3,168,000 of the general fund—federal appropriation are provided solely to continue to implement the previously competitively procured electronic benefits transfer system through the western states EBT alliance for distribution of cash grants and food stamps so as to meet the requirements of P.L. 104-193.

(3) \$50,000 of the fiscal year 1998 general fund—state appropriation is provided solely for a study of child care affordability as directed in section 403 of Engrossed House Bill No. 3901 (implementing welfare reform). The study shall be performed by the Washington institute for public policy. If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(4) \$500,000 of the fiscal year 1998 general fund—state appropriation and \$500,000 of the fiscal year 1999 general fund—state appropriation are provided solely for an evaluation of the WorkFirst program as directed in section 705 of

Engrossed House Bill No. 3901 (implementing welfare reform). The study shall be performed by the joint legislative audit and review committee. If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(5) \$73,129,000 of the general fund—federal appropriation is provided (~~solely~~) for child care assistance for low-income families in the WorkFirst program and for low-income working families as authorized in Engrossed House Bill No. 3901 (implementing welfare reform). All child care assistance provided shall be subject to a monthly copay to be paid by the family receiving the assistance.

(6) \$7,624,000 of the fiscal year 1998 general fund—state appropriation, (~~(\$18,489,000)~~) \$11,730,000 of the fiscal year 1999 general fund—state appropriation, and \$29,781,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 3901 (implementing welfare reform), including sections 404 and 405. If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse. The level of benefits in the food program for legal immigrants authorized in the bill shall be equivalent to benefits provided by the federal food stamp program.

(7) \$56,461,000 of the fiscal year 1998 general fund—state appropriation and (~~(\$59,393,000)~~) \$51,673,000 of the fiscal year 1999 general fund—state appropriation are provided (~~solely~~) for cash assistance to recipients in the general assistance—unemployable program. The department shall take any and all actions necessary to maintain expenditures within these amounts.

(8) \$55,995,000 of the fiscal year 1998 general fund—state appropriation, (~~(\$55,995,000)~~) \$44,146,000 of the fiscal year 1999 general fund—state appropriation, and (~~(\$184,510,000)~~) \$121,821,000 of the general fund—federal appropriation are provided (~~solely~~) to administer a low-income child care program as authorized in Engrossed House Bill No. 3901 (implementing welfare reform). (~~The child care program funds shall be allotted as follows:~~

~~—(a) Each six-month period shall have \$27,997,500 general fund—state and \$46,127,500 general fund—federal funds allotted to be spent during that six-month period for low-income child care assistance.~~

~~—(b) The department may spend up to the allotted amount for child care assistance during each six-month period. Any funds not spent during the six-month period may be held over and allotted in the next six-month period, subject to the provisions of subsection (5) of this section.~~

~~—(c) Federal funds allotted for child care but not spent in fiscal year 1998 may be transferred to fiscal year 1999 for allotment but state funds must be spent in the year appropriated.~~

~~(10))~~ (9) Within the amounts provided in this section, the department shall implement the study requirements of Engrossed Substitute House Bill No. 2900 (pro rata calculation of temporary assistance for needy families grants).

Sec. 1208. 1998 c 346 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund—State Appropriation (FY 1998)	\$	15,459,000
General Fund—State Appropriation (FY 1999)	\$	((15,330,000))
		<u>16,781,000</u>
General Fund—Federal Appropriation	\$	((81,112,000))
		<u>81,132,000</u>
General Fund—Private/Local Appropriation	\$	630,000
Public Safety and Education Account		
Appropriation	\$	3,210,000
Violence Reduction and Drug Enforcement Account		
Appropriation	\$	74,889,000
TOTAL APPROPRIATION	\$	((190,630,000))
		<u>192,101,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,062,000 of the general fund—federal appropriation and \$7,482,000 of the violence reduction and drug enforcement account appropriation are provided solely for the grant programs for school districts and educational service districts set forth in RCW 28A.170.080 through 28A.170.100, including state support activities, as administered through the office of the superintendent of public instruction.

(2) \$1,902,000 of the general fund—state fiscal year 1998 appropriation, \$1,902,000 of the general fund—state fiscal year 1999 appropriation, and \$1,592,000 of the general fund—federal appropriation are provided solely for alcohol and substance abuse assessment, treatment, including treatment for drug affected infants and toddlers, and child care services for clients of the division of children and family services. Assessment shall be provided by approved chemical dependency treatment programs as requested by child protective services personnel in the division of children and family services. Child care shall be provided as deemed necessary by the division of children and family services while parents requiring alcohol and substance abuse treatment are attending treatment programs.

(3) \$760,000 of the fiscal year 1998 general fund—state appropriation and \$760,000 of the fiscal year 1999 general fund—state appropriation are provided solely to fund a program serving mothers of children affected by fetal alcohol syndrome and related conditions, known as the birth-to-three program. The program may be operated in two cities in the state.

(4) \$3,210,000 of the public safety and education account appropriation is provided solely for the continuation of treatment alternatives to street crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

Sec. 1209. 1998 c 346 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MEDICAL ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 1998)	\$	((666,815,000))	
			<u>671,815,000</u>
General Fund—State Appropriation (FY 1999)	\$	((681,372,000))	
			<u>680,857,000</u>
General Fund—Federal Appropriation	\$	((2,086,149,000))	
			<u>2,115,962,000</u>
General Fund—Private/Local Appropriation	\$	((306,601,000))	
			<u>307,708,000</u>
Health Services Account Appropriation	\$	254,506,000	
Emergency Medical and Trauma Care Services			
Account Appropriation	\$	4,600,000	
TOTAL APPROPRIATION	\$	((4,000,043,000))	
			<u>4,035,448,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) \$1,622,000 of the general fund—state appropriation for fiscal year 1998 and \$1,622,000 of the general fund—state appropriation for fiscal year 1999 are provided for treatment of low-income kidney dialysis patients.

(5) \$80,000 of the general fund—state appropriation for fiscal year 1998, \$80,000 of the general fund—state appropriation for fiscal year 1999, and \$160,000 of the general fund—federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

~~(6) ((The department shall employ the managed care contracting and negotiation strategies defined in Substitute Senate Bill No. 5125 to assure that the average per recipient cost of managed care services for temporary assistance to needy families and expansion populations increases by no more than two percent per year in calendar years 1998 and 1999.~~

~~—(7))~~ The department shall seek federal approval to require adult medicaid recipients who are not elderly or disabled to contribute ten dollars per month toward the cost of their medical assistance coverage. The department shall report

on the progress of this effort to the house of representatives and senate health care and fiscal committees by September 1 and November 15, 1997.

~~((8))~~ (7) \$325,000 of the general fund—state appropriation for fiscal year 1998 and \$325,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to increase rates paid for air ambulance services.

~~((9))~~ \$1,468,000 of the general fund—state appropriation for fiscal year 1999 is to be expended solely to the extent necessary because the federal government has not approved the department's request to require certain recipients to pay ten dollars per month toward the cost of their medical assistance.

—(10)) (8) By November 1, 1998, the department shall report to the health care and fiscal committees of the legislature on the estimated average monthly number of nongrant medical assistance recipients who do not meet the earned income eligibility standards that were in effect prior to November 1997.

Sec. 1210. 1998 c 346 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 1998)	\$	9,046,000
General Fund—State Appropriation (FY 1999)	\$	((8,603,000))
		<u>8,903,000</u>
General Fund—Federal Appropriation	\$	((79,080,000))
		<u>78,577,000</u>
General Fund—Private/Local Appropriation	\$	2,904,000
TOTAL APPROPRIATION	\$	((99,633,000))
		<u>99,430,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with local organizations, including higher education institutions, mental health regional support networks, and county developmental disabilities programs to improve and expand employment opportunities for people with severe disabilities served by those local agencies.

(2) \$363,000 of the general fund—state appropriation for fiscal year 1998, \$506,000 of the general fund—state appropriation for fiscal year 1999, and \$3,208,000 of the general fund—federal appropriation are provided solely for vocational rehabilitation services for individuals enrolled for services with the developmental disabilities program who complete their high school curriculum in 1997 or 1998.

Sec. 1211. 1998 c 346 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 1998)	\$	25,818,000
General Fund—State Appropriation (FY 1999)	\$	((25,744,000))

		<u>25,325,000</u>
General Fund—Federal Appropriation	\$	((43,037,000))
		<u>43,087,000</u>
General Fund—Private/Local Appropriation	\$	270,000
TOTAL APPROPRIATION	\$	((94,869,000))
		<u>94,500,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department may transfer up to \$1,289,000 of the general fund—state appropriation for fiscal year 1998, \$1,757,000 of the general fund—state appropriation for fiscal year 1999, and \$2,813,000 of the general fund—federal appropriation to the administration and supporting services program from various other programs to implement administrative reductions.

(2) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1997, and every six months thereafter on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(3) \$60,000 of the general fund—state appropriation for fiscal year 1998 is provided solely for a welfare fraud pilot program as described by House Bill No. 1822 (welfare fraud investigation).

(4) \$55,000 of the fiscal year 1998 general fund—state appropriation, \$64,000 of the fiscal year 1999 general fund—state appropriation, and \$231,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

((6)) (5) The department shall report on the allowance for clothing, personal maintenance, and necessary incidentals provided to persons who receive services funded by state and federal moneys under Title XIX of the social security act. The report shall discuss the range of allowances granted for different populations and programs and compare the allowances to those provided to similar populations in other western states. The report shall also evaluate the need for a uniform amount provided to all populations and, if a uniform allowance is provided, at what level that allowance should be set. In compiling the report, the department shall consult with affected parties and divisions. The report shall be submitted by December 1, 1998, to the chairs and the ranking minority members of the appropriate committees of the legislature.

Sec. 1212. 1998 c 346 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
CHILD SUPPORT PROGRAM**

General Fund—State Appropriation (FY 1998)	\$	21,344,000
General Fund—State Appropriation (FY 1999)	\$	((20,965,000))

		<u>22,909,000</u>
General Fund—Federal Appropriation	\$	((145,321,000))
		<u>150,869,000</u>
General Fund—Private/Local Appropriation	\$	((32,673,000))
		<u>30,802,000</u>
TOTAL APPROPRIATION	\$	((220,303,000))
		<u>225,924,000</u>

The appropriations provided in this section are subject to the following conditions and limitations:

(1) The department shall contract with private collection agencies to pursue collection of AFDC child support arrearages in cases that might otherwise consume a disproportionate share of the department's collection efforts. The department's child support collection staff shall determine which cases are appropriate for referral to private collection agencies. In determining appropriate contract provisions, the department shall consult with other states that have successfully contracted with private collection agencies to the extent allowed by federal support enforcement regulations.

(2) The amounts appropriated in this section for child support legal services shall be expended only by means of contracts with local prosecutor's offices.

(3) \$305,000 of the general fund—state fiscal year 1998 appropriation, \$494,000 of the general fund—state fiscal year 1999 appropriation, and \$1,408,000 of the general fund—federal appropriation are provided solely to implement Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

**Sec. 1213. 1998 c 346 s 213 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 1998)	\$	25,292,000
General Fund—State Appropriation (FY 1999)	\$	((24,792,000))
		<u>24,480,000</u>
General Fund—Federal Appropriation	\$	((18,966,000))
		<u>20,278,000</u>
TOTAL APPROPRIATION	\$	((69,050,000))
		<u>70,050,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$263,000 of the fiscal year 1998 general fund—state appropriation, \$349,000 of the fiscal year 1999 general fund—state appropriation, and \$1,186,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(2) \$113,000 of the fiscal year 1999 general fund—state appropriation and \$31,000 of the general fund—federal appropriation are provided solely for the

implementation of Substitute House Bill No. 2556 (child abuse prevention and treatment). If this bill is not enacted by June 30, 1998, the amounts provided in this subsection shall lapse.

Sec. 1214. 1998 c 346 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund—State Appropriation (FY 1998)	\$	6,316,000
General Fund—State Appropriation (FY 1999)	\$	6,317,000
State Health Care Authority Administration		
Account Appropriation	\$	((14,969,000))
		<u>14,965,000</u>
Health Services Account Appropriation	\$	((341,800,000))
		<u>333,535,000</u>
TOTAL APPROPRIATION	\$	((369,402,000))
		<u>361,133,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections 205 and 206 of chapter 149, Laws of 1997, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded homecare programs. Under this enhanced subsidy option, foster parents and homecare workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3)(a) Effective October 1997, the health care authority shall require organizations and individuals that are paid to deliver basic health plan services to contribute a minimum of thirty dollars per enrollee per month if the organization or individual chooses to sponsor an individual's enrollment in the subsidized basic health plan.

(b) Effective July 1998, the health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 200 percent of the federal poverty level.

~~(4) ((150,000 of the health services account appropriation is provided solely to implement health care savings accounts. If legislation requiring a pilot project of such accounts is not enacted by June 30, 1997, the amount provided in this subsection shall lapse:~~

~~—(5)) \$270,000 of the health services account appropriation is provided solely to pay commissions to agents and brokers in accordance with RCW 70.47.015(5)~~

for application assistance provided to persons on the reservation list as of June 30, 1997, who enroll in the subsidized basic health plan on or after July 1, 1997.

~~((6))~~ (5) \$250,000 of the state health care authority administrative account appropriation is provided solely to process claims arising from the settlement in *Retired State Employees v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1).

~~((7))~~ (6) The health care authority administrator is directed to pay claims resulting from a court-approved stipulated settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1) using funds in the public employees' and retirees' insurance account. The legislature recognizes that payment of these claims may reduce premium stabilization reserves below target levels on an interim basis. It is the legislature's intent that the viability of health care authority-administered programs be preserved and that the benefit levels for health care authority-administered programs not be reduced in the event premium stabilization reserves are used to pay such claims.

~~((8))~~ (7) \$330,000 of the health services account appropriation is provided solely to implement Substitute House Bill No. 3109 (basic health plan enrollee income verification). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

Sec. 1215. 1998 c 346 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation (FY 1998)	\$	6,805,000
General Fund Appropriation (FY 1999)	\$	((7,069,000))
		<u>7,013,000</u>
Public Safety and Education Account—		
State Appropriation	\$	((16,082,000))
		<u>15,333,000</u>
Public Safety and Education Account—		
Federal Appropriation	\$	((6,002,000))
		<u>5,937,000</u>
Public Safety and Education Account—		
Private/Local Appropriation	\$	((2,178,000))
		<u>2,987,000</u>
Electrical License Account Appropriation	\$	((22,542,000))
		<u>22,506,000</u>
Farm Labor Revolving Account Appropriation	\$	28,000
Worker and Community Right-to-Know Account		
Appropriation	\$	2,187,000
Public Works Administration Account		
Appropriation	\$	1,975,000
Accident Account—State Appropriation	\$	((151,634,000))
		<u>151,867,000</u>
Accident Account—Federal Appropriation	\$	9,112,000

Medical Aid Account—State Appropriation	\$	((154,142,000))
		<u>154,502,000</u>
Medical Aid Account—Federal Appropriation	\$	1,592,000
Plumbing Certificate Account Appropriation	\$	947,000
Pressure Systems Safety Account Appropriation	\$	2,106,000
TOTAL APPROPRIATION	\$	((384,401,000))
		<u>384,897,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "claims service delivery", "electrical permitting and inspection system", and "credentialing information system" are conditioned upon compliance with section 902 of this act.

(2) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider and managed care contracts; (c) coordinate with the department of social and health services to use the public safety and education account as matching funds for federal Title XIX reimbursement, to the extent this maximizes total funds available for services to crime victims.

(3) \$54,000 of the general fund appropriation for fiscal year 1998 and \$54,000 of the general fund appropriation for fiscal year 1999 are provided solely for an interagency agreement to reimburse the board of industrial insurance appeals for crime victims appeals.

(4) The secretary of social and health services and the director of labor and industries shall report to the appropriate fiscal and policy committees of the legislature by July 1, 1997, and every six months thereafter on the measurable changes in employee injury and time-loss rates that have occurred in the state developmental disabilities, juvenile rehabilitation, and mental health institutions as a result of the upfront loss-control discount agreement between the agencies.

(5) The expenditures of the elevator, factory assembled structures, and contractors' registration and compliance programs may not exceed the revenues generated by these programs.

(6) \$101,000 of the plumbing certificate account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5749 (pipe installer). If the bill is not enacted by June 30, 1997, the amount provided shall lapse.

(7) \$56,000 of the medical aid account appropriation and \$52,000 of the accident account appropriation are provided solely for evaluating agency operational improvements.

(8) \$593,000 of nonappropriated funds from the medical aid account shall be provided solely for allocation to the joint legislative audit and review committee

for a performance audit and operations review of the state workers' compensation system pursuant to Substitute Senate Bill No. 6030.

(9) \$170,000 of the accident account—state appropriation and \$170,000 of the medical aid account—state appropriation are provided solely for payment to the office of the attorney general for legal services provided in the 1995-97 biennium.

(10) \$686,000 of the accident account appropriation and \$686,000 of the medical aid account appropriation for fiscal year 1999 are provided solely to fund 24 claims manager positions in fiscal year 1999 (12 worker compensation adjudicator 2 and 12 worker compensation adjudicator 3 positions). With these new positions, the department is expected to reduce time-loss duration in claims by 5 percent by June 30, 2000, and an additional 2.5 percent by June 30, 2001. The average caseload for level 2 claims managers should also drop to approximately 190 by June 30, 2000. The director of the department shall report to the appropriate fiscal and policy committees of the legislature and the office of financial management by June 30, 1998, and every year thereafter, on the measurable progress made toward attaining these goals. The 1998 report shall indicate the baseline figures from July 1, 1997. If substantial progress has not been achieved by June 30, 2000, the 24 claims manager positions and the funding associated with these positions shall be discontinued.

Sec. 1216. 1998 c 346 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund Appropriation (FY 1998)	\$	1,609,000
General Fund Appropriation (FY 1999)	\$	1,404,000
Industrial Insurance Premium Refund Account		
Appropriation	\$	80,000
Charitable, Educational, Penal, and Reformatory		
Institutions Account Appropriation	\$	4,000
TOTAL APPROPRIATION	\$	3,097,000

The appropriations in this subsection are subject to the following conditions and limitations: \$200,000 of the general fund appropriation for fiscal year 1998 is provided solely as the state's contribution to the construction of a memorial on the state capitol grounds to the men and women who served in the nation's armed forces during the second world war. The department shall raise the remaining two-thirds of the memorial's cost from individual and corporate contributions.

(2) FIELD SERVICES

General Fund—State Appropriation (FY 1998)	\$	2,418,000
General Fund—State Appropriation (FY 1999)	\$	2,420,000
General Fund—Federal Appropriation	\$	26,000
General Fund—Private/Local Appropriation	\$	85,000
TOTAL APPROPRIATION	\$	4,949,000

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 1998)	\$	6,576,000
General Fund—State Appropriation (FY 1999)	\$	((5,522,000))
		<u>5,336,000</u>
General Fund—Federal Appropriation	\$	((18,950,000))
		<u>19,166,000</u>
General Fund—Private/Local Appropriation	\$	((14,561,000))
		<u>14,799,000</u>
TOTAL APPROPRIATION	\$	((45,609,000))
		<u>45,877,000</u>

Sec. 1217. 1998 c 346 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 1998)	\$	63,189,000
General Fund—State Appropriation (FY 1999)	\$	((73,170,000))
		<u>66,106,000</u>
General Fund—Federal Appropriation	\$	((262,504,000))
		<u>262,483,000</u>
General Fund—Private/Local Appropriation	\$	((23,578,000))
		<u>24,356,000</u>
Hospital Commission Account Appropriation	\$	3,089,000
Health Professions Account Appropriation	\$	((36,255,000))
		<u>35,522,000</u>
Emergency Medical and Trauma Care Services Account Appropriation	\$	((21,042,000))
		<u>5,857,000</u>
Safe Drinking Water Account Appropriation	\$	2,494,000
Death Investigations Account Appropriation	\$	650,000
Drinking Water Assistance Account—Federal Appropriation	\$	5,385,000
Waterworks Operator Certification Appropriation	\$	588,000
Water Quality Account Appropriation	\$	3,065,000
Violence Reduction and Drug Enforcement Account Appropriation	\$	469,000
State Toxics Control Account Appropriation	\$	2,854,000
Medical Test Site Licensure Account Appropriation	\$	1,624,000
Youth Tobacco Prevention Account Appropriation	\$	1,812,000
Health Services Account Appropriation	\$	((6,115,000))
		<u>12,474,000</u>
TOTAL APPROPRIATION	\$	((507,883,000))
		<u>492,017,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,134,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) Funding provided in this section for the drinking water program data management system shall not be expended without appropriate project approval by the department of information systems. Expenditures are conditioned upon compliance with section 902 of this act.

(3) The department or any successor agency is authorized to raise existing fees charged to the nursing professions and midwives; chemical dependency counselors; by the pharmacy board; and for boarding home; hospital; and home health, home care, and hospice agency licenses, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(4) \$1,526,000 of the general fund—state fiscal year 1998 appropriation and \$1,741,000 of the general fund—state fiscal year 1999 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, DOH-04, DOH-05, DOH-06, DOH-07, DOH-08, DOH-09, DOH-10, DOH-11, and DOH-12.

(5) (~~(\$10,000,000)~~) \$6,115,000 of the health services account appropriation is provided solely for distribution to local health departments for distribution on a per capita basis. Prior to distributing these funds, the department shall adopt rules and procedures to ensure that these funds are not used to replace current local support for public health programs.

(6) \$500,000 of the general fund—state appropriation for fiscal year 1998 and \$500,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for operation of a youth suicide prevention program at the state level, including a state-wide public educational campaign to increase knowledge of suicide risk and ability to respond and provision of twenty-four hour crisis hotlines, staffed to provide suicidal youth and caregivers a source of instant help.

(7) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to

be spent on specifically defined projects or matched on a formula basis by state funds.

(8) \$259,000 of the health professions account appropriation is provided solely to implement Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(9) \$150,000 of the general fund—state fiscal year 1998 appropriation and \$150,000 of the general fund—state fiscal year 1999 appropriation are provided solely for community-based oral health grants that may fund sealant programs, education, prevention, and other oral health interventions. The grants may be awarded to state or federally funded community and migrant health centers, tribal clinics, or public health jurisdictions. Priority shall be given to communities with established oral health coalitions. Grant applications for oral health education and prevention grants shall include (a) an assessment of the community's oral health education and prevention needs; (b) identification of the population to be served; and (c) a description of the grant program's predicted outcomes.

(10) (~~(\$21,042,000)~~) \$5,857,000 of the emergency medical and trauma care services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5127 (trauma care services). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(11) \$500,000 of the general fund—state appropriation for fiscal year 1998 and \$500,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for family support and provider training services for children with special health care needs.

(12) \$300,000 of the general fund—federal appropriation is provided solely for an abstinence education program which complies with P.L. 104-193. \$400,000 of the general fund—federal appropriation is provided solely for abstinence education projects at the office of the superintendent of public instruction and shall be transferred to the office of the superintendent of public instruction for the 1998-99 school year. The department shall apply for abstinence education funds made available by the federal personal responsibility and work opportunity act of 1996 and implement a program that complies with the requirements of that act.

(13) \$50,000 of the general fund—state appropriation for fiscal year 1998 and \$50,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the implementation of Second Substitute House Bill No. 1191 (mandated health benefit review). If the bill is not enacted by June 30, 1997, the amounts provided in this section shall lapse.

(14) \$100,000 of the general fund—state appropriation for fiscal year 1998 and \$100,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the volunteer retired provider program. Funds shall be used to increase children's access to dental care services in rural and underserved communities by paying malpractice insurance and professional licensing fees for retired dentists participating in the program.

(15) \$852,000 of the drinking water assistance account—federal appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to administer, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

(16) \$3,347,000 of the fiscal year 1998 general fund—state appropriation and ~~((3,347,000))~~ \$2,600,000 of the fiscal year 1999 general fund—state appropriation are provided solely for the AIDS prescription drug program and HIV intervention program. The department shall operate the program within total appropriations. The department shall take such actions as are necessary to control expenditures, including administrative efficiencies such as reductions to provider reimbursement rates, modifications to financial eligibility, modifications to the scope of services, and client cost sharing mechanisms. The department shall identify program policy changes required to manage within the amounts provided.

(17) Funding provided in this section is sufficient to implement section 8 of Engrossed Substitute House Bill No. 2264 (eliminating the health care policy board).

(18) \$2,075,000 of the fiscal year 1998 general fund—state appropriation and \$2,075,000 of the fiscal year 1999 general fund—state appropriation are provided solely for the Washington poison center.

(19) \$650,000 of the death investigations account appropriation is provided solely for the implementation of state-wide child mortality reviews. Local health jurisdictions shall coordinate child mortality reviews for children from birth to eighteen years of age, develop local child mortality review protocols, and serve as the appointing authority and lead agency for local child death review teams. The department of health shall develop standard aggregate data elements, collect and analyze local child mortality review data, provide technical assistance to local child mortality review teams, and approve local child death review protocols. If House Bill No. 1269 (death investigations account) is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(20) \$1,125,000 of the fiscal year 1998 general fund—state appropriation and \$1,125,000 of the fiscal year 1999 general fund—state appropriation are provided solely for deposit in the county public health account.

(21) \$60,000 of the general fund—state appropriation for fiscal year 1998 and \$60,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for attorney general services and such other activities not covered by fee revenues as are necessary for implementation of Engrossed Substitute House Bill No. 2264 (health care policy). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(22) \$250,000 of the fiscal year 1998 general fund—state appropriation \$250,000 of the fiscal year 1999 general fund—state appropriation are provided solely for operation of a naturopathic health clinic constructed in 1996.

(23) \$60,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the implementation of Second Substitute Senate Bill No. 6168 (temporary worker housing). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(24) \$250,000 of the general fund—federal appropriation is provided solely to conduct monitoring for thyroid diseases for eligible people exposed to radiation from Hanford between 1945 and 1951, and is contingent upon the execution of an agreement with the state of Oregon that the state of Washington will function as a subrecipient for the Hanford medical monitoring program grant. If such an agreement is not executed by September 30, 1998, the amount provided in this subsection shall lapse.

~~(25) (\$730,000 of the health professions account appropriation is provided solely for the purposes of the impaired physician program. If Second Substitute House Bill No. 1618 (impaired physician program) or substantially similar legislation is enacted by June 30, 1998, the amounts provided in this subsection shall lapse.~~

~~—(26))~~ (26)) \$1,000,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the breast and cervical cancer screening program.

~~((27))~~ (26) Within existing resources, the department shall maintain funding support for neurodevelopmental centers and in no case shall that support in fiscal year 1999 be reduced below the total sum awarded by contract to neurodevelopmental centers in fiscal year 1998.

~~((29))~~ (27) \$300,000 of the general fund—state appropriation is provided solely for the implementation of a hepatitis A emergency vaccination program. This entire amount shall be passed through to county health districts that have employed a public education effort and have infection rates in excess of 100 per 100,000 population.

Sec. 1218. 1998 c 346 s 220 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in chapter 454, Laws of 1997, as amended, shall be expended for the programs and in the amounts specified therein. However, after April 1, ~~((1998))~~ 1999, unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year ~~((1998))~~ 1999 between the institutional services and community corrections programs after approval by the director of the office of financial management. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND PROGRAM SUPPORT	
General Fund Appropriation (FY 1998)	\$ 13,926,000
General Fund Appropriation (FY 1999)	\$ 13,910,000
Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 500,000

TOTAL APPROPRIATION \$ 28,336,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$187,000 of the general fund fiscal year 1998 appropriation and \$155,000 of the general fund fiscal year 1999 appropriation are provided solely for implementation of Substitute Senate Bill No. 5759 (risk classification). If the bill is not enacted by July 1, 1997, the amounts provided shall lapse.

(b) \$500,000 of the violence reduction and drug enforcement account appropriation is provided solely for a feasibility study regarding the replacement of the department's offender based tracking system. This appropriation is conditioned on the department satisfying the requirements of section 902, chapter 149, Laws of 1997.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 1998) \$ 289,665,000
General Fund—State Appropriation (FY 1999) \$ ((303,830,000))
304,972,000

General Fund—Federal Appropriation \$ ((18,097,000))
16,123,000

Industrial Insurance Premium Rebate Account
Appropriation \$ 673,000

Violence Reduction and Drug Enforcement Account
Appropriation \$ 1,614,000

TOTAL APPROPRIATION \$ ((613,879,000))
613,047,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(b) \$3,978,000 of the general fund—state fiscal year 1998 appropriation and \$5,381,000 of the general fund—state fiscal year 1999 appropriation are provided solely for the criminal justice costs associated with the implementation of Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If Engrossed Third Substitute House Bill No. 3900 is not enacted by June 30, 1997, the amounts provided shall lapse.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$296,000 of the general fund—state appropriation for fiscal year 1998 and \$297,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to increase payment rates for contracted education providers. It is the

legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(e) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. If any funds are generated in excess of actual costs, they shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(f) \$70,000 of the general fund—state fiscal year 1999 appropriation is provided solely for the implementation of Senate Bill No. 6139 (amphetamine crimes). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(g) \$36,000 of the general fund—state fiscal year 1999 appropriation is provided solely for the implementation of House Bill No. 1172 (sex offender registration). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(h) \$8,000 of the general fund—state fiscal year 1999 appropriation is provided solely for the implementation of House Bill No. 2628 (methamphetamine manufacture). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(3) COMMUNITY CORRECTIONS

General Fund Appropriation (FY 1998)	\$	88,830,000
General Fund Appropriation (FY 1999)	\$	((90,670,000))
		<u>89,696,000</u>
TOTAL APPROPRIATION	\$	((179,500,000))
		<u>178,526,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$27,000 of the general fund fiscal year 1998 appropriation and \$185,000 of the general fund fiscal year 1999 appropriation are provided solely for the criminal justice costs associated with the implementation of Engrossed Third Substitute House Bill No. 3900 (revising the juvenile code). If Engrossed Third Substitute House Bill No. 3900 is not enacted by June 30, 1997, the amounts provided shall lapse.

(b) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(c) \$467,000 of the general fund appropriation for fiscal year 1998 and \$505,000 of the general fund appropriation for fiscal year 1999 are provided solely to increase payment rates for contracted education providers and contracted work release facilities. It is the legislature's intent that these amounts shall be used primarily to increase compensation for persons employed in direct, front-line service delivery.

(d) \$45,000 of the general fund—state fiscal year 1999 appropriation is provided solely for the implementation of Substitute Senate Bill No. 5760 (mentally ill offenders). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(e) \$609,000 of the general fund—state fiscal year 1998 appropriation and \$226,000 of the general fund—state fiscal year 1999 appropriation are provided solely for costs associated with allowing community corrections officers to carry firearms.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation (FY 1998)	\$	4,055,000
General Fund Appropriation (FY 1999)	\$	4,167,000
TOTAL APPROPRIATION	\$	8,222,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund fiscal year 1998 appropriation and \$100,000 of the general fund fiscal year 1999 appropriation are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(b) \$50,000 of the general fund appropriation for fiscal year 1998 and \$50,000 of the general fund appropriation for fiscal year 1999 are provided solely for the correctional industries board of directors to hire one staff person, responsible directly to the board, to assist the board in fulfilling its duties.

(5) INTERAGENCY PAYMENTS

General Fund Appropriation (FY 1998)	\$	6,851,000
General Fund Appropriation (FY 1999)	\$	((6,538,000))
		<u>6,788,000</u>
TOTAL APPROPRIATION	\$	((13,389,000))
		<u>13,639,000</u>

Sec. 1219. 1998 c 346 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—State Appropriation (FY 1998)	\$	1,260,000
General Fund—State Appropriation (FY 1999)	\$	1,261,000
General Fund—Federal Appropriation	\$	((198,628,000))
		<u>178,472,000</u>
General Fund—Private/Local Appropriation	\$	28,650,000
Unemployment Compensation Administration Account—		
Federal Appropriation	\$	182,312,000
Administrative Contingency Account		
Appropriation	\$	13,527,000
Employment Service Administrative Account		

Appropriation	\$	14,500,000
Employment & Training Trust Account		
Appropriation	\$	600,000
TOTAL APPROPRIATION	\$	((440,738,000))
		<u>420,582,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of funds appropriated in this section for the information systems projects identified in agency budget requests as "claims and adjudication call centers", "data/wage quality initiative", and "one stop information connectivity" are conditioned upon compliance with section 902 of this act.

(2) \$600,000 of the employment and training trust account appropriation is provided solely for the account's share of unemployment insurance tax collection costs.

(3) \$1,126,000 of the general fund—federal appropriation is provided solely for the continuation of job placement centers colocated on community and technical college campuses.

(4) The employment security department shall spend no more than \$25,049,511 of the unemployment compensation administration account—federal appropriation for the general unemployment insurance development effort (GUIDE) project, except that the department may exceed this amount by up to \$2,600,000 to offset the cost associated with any vendor-caused delay. The additional spending authority is contingent upon the department fully recovering these moneys from any project vendors failing to perform in full. Authority to spend the amount provided by this subsection is conditioned on compliance with section 902 of this act.

(5) \$60,000 of the general fund—state fiscal year 1998 appropriation and \$61,000 of the general fund—state fiscal year 1999 appropriation are provided solely for the King county reemployment support center.

(6) \$1,200,000 of the general fund—state fiscal year 1998 appropriation and \$1,200,000 of the general fund—state fiscal year 1999 appropriation are provided solely for labor market information and employer outreach activities.

(7) \$948,000 of the administrative contingency account appropriation and \$838,000 of the employment service administrative account appropriation are provided solely for the department to evaluate the tax determination system compared to other systems, improve the disclosure of information on the employer rate notice, and address deficiencies in the tax information system (TAXIS).

~~((10))~~ (8) \$327,000 of the unemployment compensation administration account—federal appropriation and \$486,000 of the employment service administrative account appropriation are provided solely for the department to replace field office computers that are not compliant with Year 2000 conversion standards.

**PART XIII
NATURAL RESOURCES—SUPPLEMENTAL APPROPRIATIONS**

Sec. 1301. 1998 c 346 s 302 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 1998)	\$	((26,013,000))
		<u>23,513,000</u>
General Fund—State Appropriation (FY 1999)	\$	((25,860,000))
		<u>23,348,000</u>
General Fund—Federal Appropriation	\$	((46,240,000))
		<u>46,229,000</u>
General Fund—Private/Local Appropriation	\$	1,200,000
Special Grass Seed Burning Research Account		
Appropriation	\$	71,000
Reclamation Revolving Account		
Appropriation	\$	2,441,000
Flood Control Assistance Account		
Appropriation	\$	4,850,000
State Emergency Water Projects Revolving Account		
Appropriation	\$	319,000
Waste Reduction/Recycling/Litter Control		
Appropriation	\$	10,316,000
State and Local Improvements Revolving Account		
(Waste Facilities) Appropriation	\$	601,000
State and Local Improvements Revolving Account		
(Water Supply Facilities) Appropriation	\$	1,366,000
Basic Data Account Appropriation	\$	182,000
Vehicle Tire Recycling Account Appropriation	\$	((357,000))
		<u>401,000</u>
Water Quality Account Appropriation	\$	2,892,000
Wood Stove Education and Enforcement Account		
Appropriation	\$	848,000
Worker and Community Right-to-Know Account		
Appropriation	\$	469,000
State Toxics Control Account Appropriation	\$	((53,715,000))
		<u>53,703,000</u>
Local Toxics Control Account Appropriation	\$	4,759,000
Water Quality Permit Account Appropriation	\$	20,378,000
Underground Storage Tank Account Appropriation	\$	2,638,000
Solid Waste Management Account Appropriation	\$	971,000
Hazardous Waste Assistance Account Appropriation	\$	3,615,000
Air Pollution Control Account Appropriation	\$	16,224,000
Oil Spill Administration Account Appropriation	\$	6,998,000
Air Operating Permit Account Appropriation	\$	3,808,000

Freshwater Aquatic Weeds Account Appropriation	\$	1,829,000
Oil Spill Response Account Appropriation	\$	7,078,000
Metals Mining Account Appropriation	\$	42,000
Water Pollution Control Revolving Account—State Appropriation	\$	349,000
Water Pollution Control Revolving Account—Federal Appropriation	\$	1,726,000
Biosolids Permit Account Appropriation	\$	567,000
Environmental Excellence Account Appropriation	\$	247,000
TOTAL APPROPRIATION	\$	((248,969,000)) <u>243,978,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,211,000 of the general fund—state appropriation for fiscal year 1998, \$3,211,000 of the general fund—state appropriation for fiscal year 1999, \$394,000 of the general fund—federal appropriation, \$2,017,000 of the oil spill administration account, \$819,000 of the state toxics control account appropriation, and \$3,591,000 of the water quality permit fee account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$2,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons, for which potentially liable persons cannot be found, or for which potentially liable persons are unable to pay for remedial actions; and

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to conduct remedial actions required by the department; and

(d) To contract for services as necessary to support remedial actions.

(3) \$200,000 of the general fund—state appropriation for fiscal year 1998 is provided solely for the implementation of Engrossed Substitute House Bill No. 1118 (reopening a water rights claim filing period). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(4) \$3,600,000 of the general fund—state appropriation for fiscal year 1998 and \$3,600,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the auto emissions inspection and maintenance program. Expenditures of the amounts provided in this subsection are contingent upon a like amount being deposited in the general fund from the auto emission inspection fees in accordance with RCW 70.120.170(4).

(5) \$170,000 of the oil spill administration account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02

through a contract with the University of Washington's Sea Grant program in order to develop an educational program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(6) The merger of the office of marine safety into the department of ecology shall be accomplished in a manner that will maintain a priority focus on oil spill prevention, as well as maintain a strong oil spill response capability. The merged program shall be established to provide a high level of visibility and ensure that there shall not be a diminution of the existing level of effort from the merged programs.

(7) The entire environmental excellence account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1866 (environmental excellence). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse. In implementing the bill, the department shall organize the needed expertise to process environmental excellence applications after an application has been received.

(8) \$200,000 of the freshwater aquatic weeds account appropriation is provided solely to address saltcedar weed problems.

(9) \$4,498,000 of the waste reduction, recycling, and litter control account appropriation is provided for fiscal year 1998 and \$5,818,000 is provided for fiscal year 1999 to be expended in the following ratios: Fifty percent for a litter patrol program to employ youth and correctional work crews to remove litter from places that are most visible to the public; twenty percent for grants to local governments for litter cleanup under RCW 70.93.250; and thirty percent for public education and awareness programs and programs to foster local waste reduction and recycling efforts. From the amounts provided in this subsection, the department shall provide \$352,000 through an interagency agreement to the department of corrections to hire correctional crews to remove litter in areas that are not accessible to youth crews.

(10) The entire biosolids permit account appropriation is provided solely for implementation of Engrossed Senate Bill No. 5590 (biosolids management). If the bill is not enacted by June 30, 1997, the entire appropriation is null and void.

(11) \$29,000 of the general fund—state appropriation for fiscal year 1998 and \$99,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(12) \$60,000 of the freshwater aquatic weeds account appropriation is provided solely for a grant to the department of fish and wildlife to control and eradicate purple loosestrife using the most cost-effective methods available, including chemical control where appropriate.

(13) \$250,000 of the flood control assistance account appropriation is provided solely as a reappropriation to complete the Skokomish valley flood reduction plan. The amount provided in this subsection shall be reduced by the

amount expended from this account for the Skokomish valley flood reduction plan during the biennium ending June 30, 1997.

(14) \$600,000 of the flood control assistance account appropriation is provided solely to complete flood control projects that were awarded funds during the 1995-97 biennium. These funds shall be spent only to complete projects that could not be completed during the 1995-97 biennium due to delays caused by weather or delays in the permitting process.

(15) \$113,000 of the general fund—state appropriation for fiscal year 1998 and \$112,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5505 (assistance to water applicants). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(16) \$70,000 of the general fund—state appropriation for fiscal year 1998 and \$70,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5785 (consolidation of groundwater rights). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(17) \$20,000 of the general fund—state appropriation for fiscal year 1998 and \$20,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 5276 (water right applications). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(18) \$500,000 of the general fund—state appropriation for fiscal year 1998 and \$500,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the continuation of the southwest Washington coastal erosion study.

~~((21))~~ (19) \$195,000 of the underground storage tank account appropriation is provided solely for the implementation of Substitute Senate Bill No. 6130 (underground storage tanks). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

~~((22))~~ (20) \$417,000 of the local toxics control account appropriation is provided solely to implement Substitute Senate Bill No. 6474 (fertilizer regulation). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

~~((23))~~ (21) Using up to \$19,000 of the special grass seed burning research account appropriation the department shall provide funding to Washington State University to conduct a grass burning emissions study.

~~((24))~~ (22) Within the amounts provided in this section, the department shall conduct a demonstration project on the effectiveness of the state-registered herbicide "Navigate" for the control of Eurasian water milfoil in Loon Lake in Stevens county. The department shall provide a grant to the Stevens county weed board to cover fifty percent of the cost of application of the herbicide. A local match of fifty percent of the cost of application of the herbicide is required. Permits and approvals necessary to implement the demonstration project may be

conditioned by the department to protect public health and the environment, but approval may not be withheld.

~~((25))~~ (23) Within the amounts provided in this section, the department shall provide funds to Yakima county superior court for staff and associated costs to support the Yakima river basin water rights adjudication.

Sec. 1302. 1998 c 346 s 304 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 1998)	\$	20,489,000
General Fund—State Appropriation (FY 1999)	\$	((20,595,000))
		<u>20,573,000</u>
General Fund—Federal Appropriation	\$	3,122,000
General Fund—Private/Local Appropriation	\$	59,000
Winter Recreation Program Account		
Appropriation	\$	((779,000))
		<u>759,000</u>
Off Road Vehicle Account Appropriation	\$	251,000
Snowmobile Account Appropriation	\$	((3,260,000))
		<u>3,240,000</u>
Aquatic Lands Enhancement Account Appropriation . . .	\$	321,000
Public Safety and Education Account		
Appropriation	\$	48,000
Industrial Insurance Premium Refund		
Appropriation	\$	10,000
Waste Reduction/Recycling/Litter Control		
Appropriation	\$	34,000
Water Trail Program Account Appropriation	\$	14,000
Parks Renewal and Stewardship Account		
Appropriation	\$	((25,894,000))
		<u>25,863,000</u>
TOTAL APPROPRIATION	\$	((74,876,000))
		<u>74,783,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan agency action items P&RC-01 and P&RC-03.
- (2) \$264,000 of the general fund—federal appropriation is provided for boater programs state-wide and for implementation of the Puget Sound work plan.
- (3) \$45,000 of the general fund—state appropriation for fiscal year 1998 is provided solely for a feasibility study of a public/private effort to establish a reserve for recreation and environmental studies in southwest Kitsap county.
- (4) Within the funds provided in this section, the state parks and recreation commission shall provide to the legislature a status report on implementation of the

recommendations contained in the 1994 study on the restructuring of Washington state parks. This status report shall include an evaluation of the campsite reservation system including the identification of any incremental changes in revenues associated with implementation of the system and a progress report on other enterprise activities being undertaken by the commission. The report may also include recommendations on other revenue generating options. In preparing the report, the commission is encouraged to work with interested parties to develop a long-term strategy to support the park system. The commission shall provide this report by December 1, 1997.

(5) \$48,000 of the general fund—state appropriation for fiscal year 1998 and \$202,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for development of underwater park programs and facilities. The department shall work with the underwater parks program task force to develop specific plans for the use of these funds.

(6) Fees approved by the state parks and recreation commission in 1997 for camping, snow parks, wood debris collection, and Fort Worden state park are authorized to exceed the fiscal growth factor under RCW 43.135.055.

~~((7) \$20,000 of the winter recreation program account appropriation and \$20,000 of the snowmobile account appropriation are provided solely for a grant for the operation of the Northwest avalanche center.))~~

Sec. 1303. 1997 c 149 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation (FY 1998)	\$	780,000
General Fund Appropriation (FY 1999)	\$	((773,000))
		<u>817,000</u>
TOTAL APPROPRIATION	\$	((1,553,000))
		<u>1,597,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$4,000 of the general fund appropriation for fiscal year 1998 and \$4,000 of the general fund appropriation for fiscal year 1999 are provided solely to implement Substitute Senate Bill No. 5119 (forest practices appeals board). If this bill is not enacted by June 30, 1997, \$4,000 of the general fund appropriation for fiscal year 1998 and \$4,000 of the general fund appropriation for fiscal year 1999 shall lapse.

Sec. 1304. 1998 c 346 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State Appropriation (FY 1998)	\$	35,857,000
General Fund—State Appropriation (FY 1999)	\$	((44,998,000))
		<u>44,902,000</u>
General Fund—Federal Appropriation	\$	((75,037,000))
		<u>74,972,000</u>
General Fund—Private/Local Appropriation	\$	26,983,000

Off Road Vehicle Account Appropriation	\$	488,000
Aquatic Lands Enhancement Account Appropriation	\$	5,593,000
Public Safety and Education Account Appropriation	\$	586,000
Industrial Insurance Premium Refund Appropriation	\$	120,000
Recreational Fisheries Enhancement Appropriation	\$	((2,387,000))
		<u>2,787,000</u>
Warm Water Game Fish Account Appropriation	\$	2,419,000
Wildlife Account Appropriation	\$	((44,122,000))
		<u>46,158,000</u>
Game Special Wildlife Account—State Appropriation	\$	1,911,000
Game Special Wildlife Account—Federal Appropriation	\$	10,844,000
Game Special Wildlife Account—Private/Local Appropriation	\$	350,000
Oil Spill Administration Account Appropriation	\$	843,000
Environmental Excellence Account Appropriation	\$	20,000
Eastern Washington Pheasant Enhancement Account Appropriation	\$	547,000
Regional Fisheries Enhancement—Federal Appropriation	\$	750,000
TOTAL APPROPRIATION	\$	((253,855,000))
		<u>256,130,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,181,000 of the general fund—state appropriation for fiscal year 1998 and \$1,181,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan agency action items DFW-01, DFW-03, DFW-04, and DFW-8 through DFW-15.

(2) \$188,000 of the general fund—state appropriation for fiscal year 1998 and \$155,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for a maintenance and inspection program for department-owned dams. The department shall submit a report to the governor and the appropriate legislative committees by October 1, 1998, on the status of department-owned dams. This report shall provide a recommendation, including a cost estimate, on whether each facility should continue to be maintained or should be decommissioned.

(3) \$832,000 of the general fund—state appropriation for fiscal year 1998 and \$825,000 of the general fund—state appropriation for fiscal year 1999 are provided

solely to implement salmon recovery activities and other actions required to respond to federal listings of salmon species under the endangered species act.

(4) \$350,000 of the wildlife account appropriation, \$72,000 of the general fund—state appropriation for fiscal year 1998, and \$73,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for control and eradication of class B designate weeds on department owned and managed lands. The amounts from the general fund—state appropriations are provided solely for control of spartina.

(5) \$140,000 of the wildlife account appropriation is provided solely for a cooperative effort with the department of agriculture for research and eradication of purple loosestrife on state lands.

(6) In controlling weeds on state-owned lands, the department shall use the most cost-effective methods available, including chemical control where appropriate, and the department shall report to the appropriate committees of the legislature by January 1, 1998, on control methods, costs, and acres treated during the previous year.

(7) \$193,000 of the general fund—state appropriation for fiscal year 1998, \$194,000 of the general fund—state appropriation for fiscal year 1999, and \$300,000 of the wildlife account appropriation are provided solely for the design and development of an automated license system.

(8) The department is directed to offer for sale its Cessna 421 aircraft by June 30, 1998. Proceeds from the sale shall be deposited in the wildlife account.

(9) \$500,000 of the general fund—state appropriation for fiscal year 1998 and \$500,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to continue the department's habitat partnerships program during the 1997-99 biennium.

(10) \$350,000 of the general fund—state appropriation for fiscal year 1998 and \$350,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for purchase of monitoring equipment necessary to fully implement mass marking of coho salmon.

(11) \$238,000 of the general fund—state appropriation for fiscal year 1998 and \$219,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(12) \$150,000 of the general fund—state appropriation for fiscal year 1998 and \$150,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for a contract with the United States department of agriculture to carry out animal damage control projects throughout the state related to cougars, bears, and coyotes.

(13) \$97,000 of the general fund—state appropriation for fiscal year 1998 and \$98,000 of the general fund—state appropriation for fiscal year 1999 are provided

solely to implement animal damage control programs for Canada geese in the lower Columbia river basin.

(14) \$170,000 of the general fund—state appropriation for fiscal year 1998, \$170,000 of the general fund—state appropriation for fiscal year 1999, and \$360,000 of the wildlife account appropriation are provided solely to hire additional enforcement officers to address problem wildlife throughout the state.

(15) \$133,000 of the general fund—state appropriation for fiscal year 1998 and \$133,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to implement Substitute Senate Bill No. 5442 (flood control permitting). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(16) \$100,000 of the aquatic lands enhancement account appropriation is provided solely for grants to the regional fisheries enhancement groups.

(17) \$547,000 of the eastern Washington pheasant enhancement account appropriation is provided solely for implementation of Substitute Senate Bill No. 5104 (pheasant enhancement program). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(18) \$150,000 of the general fund—state appropriation for fiscal year 1998 and \$150,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to hire Washington conservation corps crews to maintain department-owned and managed lands.

(19) The entire environmental excellence account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1866 (environmental excellence). If the bill is not enacted by June 30, 1997, the entire appropriation is null and void.

(20) \$156,000 of the recreational fisheries enhancement appropriation is provided solely for Substitute Senate Bill No. 5102 (fishing license surcharge). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(21) \$25,000 of the general fund—state appropriation for fiscal year 1998 and \$25,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(22) It is the intent of the legislature that, within the general fund—state appropriations provided in this section, the department shall prioritize its resources to provide expedited assistance to businesses seeking permitting and technical assistance for rural economic development projects.

(23) \$750,000 of the regional fisheries enhancement—federal appropriation is provided solely for the regional fisheries enhancement groups. The amount in this section may be spent for project identification, design, permitting, and implementation; volunteer coordination; and administrative costs as approved under RCW 75.50.100 and 75.50.115(1)(d). All amounts not committed to approved project, volunteer coordination, or administrative costs by May 31, 1998, shall be made available to any of the regional fisheries enhancement groups that

have submitted project approval requests that exceed their available funding from the regional fisheries enhancement group account and the regional fisheries enhancement salmonid recovery account. Redistribution of the moneys shall be based on the criteria established in RCW 75.50.115(1)(e), and shall ensure to the greatest extent possible that the funds are spent during the 1998 in-stream season.

(24) \$700,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for grants to habitat restoration lead entities formed in accordance with sections 7 through 10 of Engrossed Substitute House Bill No. 2496 (salmon recovery planning) for administrative activities and development of habitat-restoration project lists. If any of these sections of the bill are not enacted by June 30, 1998, the amounts provided in this subsection shall lapse. Of this amount, \$100,000 is provided as a grant to the regional committee lead entity for administrative activities in the Snake river evolutionarily significant unit.

(25) \$50,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for operation of the independent science panel in accordance with section 6 of Engrossed Substitute House Bill No. 2496 (salmon recovery planning). If this section of the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(26) \$450,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for fish passage technical assistance to local governments, volunteer groups, and regional fisheries enhancement groups in accordance with Engrossed Substitute House Bill No. 2496 (salmon recovery planning). The department shall also contract with the department of transportation to train staff at the department of transportation to become proficient in providing fish passage technical assistance. If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

~~(27) (\$250,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for excessive deer and elk damage claims.~~

~~(28))~~ (28) \$393,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the implementation of Substitute Senate Bill No. 6324 (fish remote site incubators). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

~~((29))~~ (28) \$1,000,000 of the general fund—state appropriation for fiscal year 1999, \$400,000 of the general fund—federal appropriation, and \$225,000 of the general fund—local appropriation are provided solely to contract for the mass marking of all appropriate state-wide department chinook salmon hatchery production in accordance with Second Substitute Senate Bill No. 6264 (chinook salmon mass marking). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

~~((30))~~ (29) \$3,500,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for salmon restoration projects funded according to sections 7 through 10 of Second Substitute House Bill No. 2496 (salmon recovery planning). Of this amount, \$500,000 is provided solely for a block grant to the

conservation districts located in the Snake river evolutionarily significant unit for habitat restoration projects. If any of these sections of the bill are not enacted by June 30, 1998, the amounts provided in this subsection shall lapse.

~~((31))~~ (30) \$1,170,000 of the general fund—state appropriation for fiscal year 1999 and \$3,500,000 of the general fund—federal appropriation are provided solely to implement a license buy-back program for commercial fishing licenses.

~~((32))~~ (31) \$5,000 of the general fund—state appropriation for fiscal year 1998 and \$40,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for implementation of Substitute Senate Bill No. 6114 (nonindigenous aquatic species). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

~~((33) \$1,000,000)~~ (32) \$500,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for purchasing computer equipment to support implementation of Second Substitute Senate Bill No. 6330 (fish and wildlife licenses). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(33) \$500,000 of the general fund—state appropriation for fiscal year 1999 is provided to improve information systems capabilities as identified in the independent business practices assessment completed in November 1998.

(34) \$39,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for improvements to business practices within the agency.

Sec. 1305. 1998 c 346 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 1998)	\$	23,767,000
General Fund—State Appropriation (FY 1999)	\$	((24,410,000))
		<u>32,080,000</u>
General Fund—Federal Appropriation	\$	((1,156,000))
		<u>1,244,000</u>
General Fund—Private/Local Appropriation	\$	422,000
Forest Development Account Appropriation	\$	((49,963,000))
		<u>49,895,000</u>
Off Road Vehicle Account Appropriation	\$	3,628,000
Surveys and Maps Account Appropriation	\$	2,088,000
Aquatic Lands Enhancement Account		
Appropriation	\$	4,869,000
Resource Management Cost Account		
Appropriation	\$	((89,769,000))
		<u>89,667,000</u>
Waste Reduction/Recycling/Litter Control		
Appropriation	\$	450,000
Surface Mining Reclamation Account		
Appropriation	\$	1,420,000
Aquatic Land Dredged Material Disposal Site Account		

Appropriation	\$	751,000
Natural Resources Conservation Areas Stewardship		
Account Appropriation	\$	77,000
Air Pollution Control Account Appropriation	\$	890,000
Metals Mining Account Appropriation	\$	62,000
TOTAL APPROPRIATION	\$	((204,472,000)) <u>211,310,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,017,000 of the general fund—state appropriation for fiscal year 1998 and ~~((6,900,000))~~ \$13,290,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for emergency fire suppression.

(2) \$18,000 of the general fund—state appropriation for fiscal year 1998, \$18,000 of the general fund—state appropriation for fiscal year 1999, and \$957,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan agency action items DNR-01, DNR-02, and DNR-04.

(3) \$300,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for design and implementation of revisions to the department's geographic information system hydrography and transportation data layers.

(4) \$450,000 of the resource management cost account appropriation is provided solely for the control and eradication of class B designate weeds on state lands. The department shall use the most cost-effective methods available, including chemical control where appropriate, and report to the appropriate committees of the legislature by January 1, 1998, on control methods, costs, and acres treated during the previous year.

~~((4))~~ (5) \$1,332,000 of the general fund—state appropriation for fiscal year 1998 and \$1,713,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for fire protection activities.

~~((5))~~ (6) \$541,000 of the general fund—state appropriation for fiscal year 1998 and \$549,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the stewardship of natural area preserves, natural resource conservation areas, and the operation of the natural heritage program.

~~((6))~~ (7) \$2,300,000 of the aquatic lands enhancement account appropriation is provided for the department's portion of the Eagle Harbor settlement.

~~((7))~~ (8) \$195,000 of the general fund—state appropriation for fiscal year 1998 and \$220,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the implementation of Substitute House Bill No. 1985 (landscape management plans). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

~~((8))~~ (9) \$600,000 of the general fund—state appropriation for fiscal year 1998 and \$600,000 of the general fund—state appropriation for fiscal year 1999 are

provided solely for the cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

~~((9))~~ (10) \$6,568,000 of the forest development account appropriation is provided solely for silviculture activities on forest board lands. To the extent that forest board counties apply for reconveyance of lands pursuant to Substitute Senate Bill No. 5325 (county land transfers), the amount provided in this subsection shall be reduced by an amount equal to the estimated silvicultural expenditures planned in each county that applies for reconveyance.

~~((12))~~ (11) \$71,000 of the resource management cost account appropriation is provided solely for a study of the current method for determining water-dependent rents in accordance with Second Substitute Senate Bill No. 6156 (state aquatic lands leases). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

~~((13))~~ (12) \$117,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for a geographic information systems inventory of Washington sand, gravel, and construction rock resources.

~~((14))~~ (13) \$50,000 of the resource management cost account appropriation is provided solely for a field study of biological control methods for eradication of spartina.

~~((15))~~ (14) \$50,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for a study of potential finfish net-pen aquaculture sites in the Strait of Juan de Fuca and along the Pacific coast.

(15) \$1,100,000 of the general fund—state appropriation for fiscal year 1999 is appropriated to the natural resources conservation areas stewardship account and is provided solely to match \$500,000 in private funding for management of natural area preserves and natural resources conservation areas. If the department has not entered into a memorandum of understanding with the grantor regarding the use of the \$500,000 by June 30, 1999, the amount provided in this subsection shall lapse.

PART XIV

TRANSPORTATION—SUPPLEMENTAL APPROPRIATIONS

Sec. 1401. 1998 c 346 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation (FY 1998)	\$	4,686,000
General Fund Appropriation (FY 1999)	\$	((4,717,000))
		<u>4,912,000</u>
Architects' License Account Appropriation	\$	829,000
Cemetery Account Appropriation	\$	197,000
Professional Engineers' Account Appropriation	\$	((2,700,000))
		<u>2,699,000</u>
Real Estate Commission Account Appropriation	\$	((7,062,000))
		<u>7,060,000</u>
Master License Account Appropriation	\$	((6,963,000))

	<u>6,961,000</u>
Uniform Commercial Code Account Appropriation \$	((3,521,000))
	<u>3,520,000</u>
Real Estate Education Account Appropriation \$	606,000
Funeral Directors And Embalmers Account	
Appropriation \$	418,000
TOTAL APPROPRIATION \$	((31,699,000))
	<u>31,888,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$21,000 of the general fund fiscal year 1998 appropriation and \$22,000 of the general fund fiscal year 1999 appropriation are provided solely to implement House Bill No. 1827 or Senate Bill No. 5754 (boxing, martial arts, wrestling). If neither bill is enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(2) \$40,000 of the master license account appropriation is provided solely to implement Substitute Senate Bill No. 5483 (whitewater river outfitters). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(3) \$229,000 of the general fund fiscal year 1998 appropriation and \$195,000 of the general fund fiscal year 1999 appropriation are provided solely for the implementation of Senate Bill No. 5997 (cosmetology inspections). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(4) \$31,000 of the general fund fiscal year 1998 appropriation, \$1,000 of the general fund fiscal 1999 appropriation, \$7,000 of the architects' license account appropriation, \$18,000 of the professional engineers' account appropriation, \$14,000 of the real estate commission account appropriation, \$40,000 of the master license account appropriation, and \$3,000 of the funeral directors and embalmers account appropriation are provided solely for the implementation of Engrossed House Bill No. 3901 (implementing welfare reform). If the bill is not enacted by June 30, 1997, the amounts provided in this subsection shall lapse.

(5) \$17,000 of the professional engineers' account appropriation is provided solely to implement Senate Bill No. 5266 (engineers/land surveyors). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(6) \$110,000 of the general fund fiscal year 1998 appropriation is provided solely to implement Senate Bill No. 5998 (cosmetology advisory board). If the bill is not enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(7) \$11,000 of the general fund fiscal year 1998 appropriation and \$2,000 of the general fund fiscal year 1999 appropriation are provided solely to implement Substitute House Bill No. 1748 or Substitute Senate Bill No. 5513 (vessel registration). If neither bill is enacted by June 30, 1997, the amount provided in this subsection shall lapse.

(8)(a) Pursuant to RCW 43.135.055, during the 1997-99 fiscal biennium, the department may increase fees in excess of the fiscal growth factor in the appraisers

and camp resorts programs; however, such increases shall not exceed an annual increase of eight percent.

(b) Pursuant to RCW 43.135.055, during the 1997-99 fiscal biennium, the department may increase fees in excess of the fiscal growth factor in the professional athletics, employment agencies, and security guards programs to the extent necessary to defray the costs of the administration of these programs as set forth in RCW 43.24.086.

(c) Before raising fees in excess of the fiscal growth factor pursuant to this subsection, the department shall notify the chairs and ranking minority members of the appropriate fiscal committees of the legislature.

(9) Within the amounts provided in this section, the department shall provide information detailing each specific component of the overhead costs allocated to each program within the business and professions division. The department shall establish procedures to allow each program within the business and professions division to review and modify its business processes in order to reduce administrative costs. The department of licensing shall provide a report to the fiscal committees of the legislature by October 1, 1998, detailing the specific procedures established pursuant to the requirements of this subsection.

(10) \$110,000 of the general fund fiscal year 1999 appropriation is provided solely for the implementation of the Substitute Senate Bill No. 6507 (cosmetology advisory board). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(11) \$75,000 of the general fund fiscal year 1999 appropriation is provided solely for costs associated with fully implementing chapter 178, Laws of 1997 (cosmetology inspections).

(12) \$200,000 of the general fund fiscal year 1999 appropriation is provided solely for deposit in the impaired driving safety account.

Sec. 1402. 1998 c 346 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund—State Appropriation (FY 1998)	\$	8,312,000
General Fund—State Appropriation (FY 1999)	\$	((21,791,000))
		<u>21,855,000</u>
General Fund—Federal Appropriation	\$	5,784,000
General Fund—Private/Local Appropriation	\$	341,000
Public Safety and Education Account		
Appropriation	\$	4,483,000
County Criminal Justice Assistance Account		
Appropriation	\$	3,905,000
Municipal Criminal Justice Assistance Account		
Appropriation	\$	1,573,000
Fire Service Trust Account Appropriation	\$	92,000
Fire Service Training Account Appropriation	\$	2,295,000
State Toxics Control Account Appropriation	\$	439,000

Violence Reduction and Drug Enforcement Account	
Appropriation	\$ 570,000
Fingerprint Identification Account	
Appropriation	\$ 3,220,000
TOTAL APPROPRIATION	\$ ((52,805,000))
	<u>52,869,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$254,000 of the fingerprint identification account appropriation is provided solely for an automated system that will facilitate the access of criminal history records remotely by computer or telephone for preemployment background checks and other non-law enforcement purposes. The agency shall submit an implementation status report to the office of financial management and the legislature by September 1, 1997.

(2) \$264,000 of the general fund—federal appropriation is provided solely for a feasibility study to develop a criminal investigation computer system. The study will report on the feasibility of developing a system that uses incident-based reporting as its foundation, consistent with FBI standards. The system will have the capability of connecting with local law enforcement jurisdictions as well as fire protection agencies conducting arson investigations. The study will report on the system requirements for incorporating case management, intelligence data, imaging, and geographic information. The system will also provide links to existing crime information databases such as WASIS and WACIC. The agency shall submit a copy of the proposed study workplan to the office of financial management and the department of information services for approval prior to expenditure. A final report shall be submitted to the appropriate committees of the legislature, the office of financial management, and the department of information services no later than June 30, 1998.

(3) Pursuant to chapter 43.135 RCW, during the 1997-99 fiscal biennium, the Washington state patrol is authorized to raise existing fees charged for background fingerprint checks on current and potential school district and educational service district employees by six dollars.

(4) \$166,000 of the general fund—state appropriation for fiscal year 1998 and \$499,000 of the general fund—state appropriation for fiscal year 1999 are provided solely as state matching funds required to complete changes to the WACIC and WASIS systems.

(5) To address year 2000 concerns about the automated fingerprint identification system (AFIS), the Washington state patrol may contract with an intergovernmental consortium for the use of a year 2000 compatible AFIS system. Under this approach, the state patrol would begin paying a monthly usage fee starting in fiscal year 2000.

(6) \$58,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to implement House Bill No. 1172 (sex offender registration). If

the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

**PART XV
EDUCATION—SUPPLEMENTAL APPROPRIATIONS**

Sec. 1501. 1998 c 346 s 502 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund—State Appropriation (FY 1998)	\$	20,423,000
General Fund—State Appropriation (FY 1999)	\$	((58,171,000))
		<u>58,323,000</u>
General Fund—Federal Appropriation	\$	49,439,000
Public Safety and Education Account		
Appropriation	\$	2,598,000
Violence Reduction and Drug Enforcement Account		
Appropriation	\$	3,672,000
Education Savings Account Appropriation	\$	39,312,000
TOTAL APPROPRIATION	\$	((173,615,000))
		<u>173,767,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) AGENCY OPERATIONS

(a) \$394,000 of the general fund—state appropriation for fiscal year 1998 and \$394,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b)(i) \$250,000 of the general fund—state appropriation for fiscal year 1998 and \$250,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for enhancing computer systems and support in the office of superintendent of public instruction. These amounts shall be used to: Make a database of school information available electronically to schools, state government, and the general public; reduce agency and school district administrative costs through more effective use of technology; and replace paper reporting and publication to the extent feasible with electronic media. The superintendent, in cooperation with the commission on student learning, shall develop a state student record system including elements reflecting student achievement. The system shall be made available to the office of financial management and the legislature with suitable safeguards of student confidentiality. The superintendent shall report to the office of financial management and the legislative fiscal committees by December 1 of each year of the biennium on the progress and plans for the expenditure of these amounts.

(ii) The superintendent, in cooperation with the commission on student learning, shall develop a feasibility plan for a state student record system, including

elements reflecting student academic achievement on goals 1 and 2 under RCW 28A.150.210. The feasibility plan shall be made available to the office of financial management and the fiscal and education committees of the legislature for approval before a student records database is established, and shall identify data elements to be collected and suitable safeguards of student confidentiality and proper use of database records, with particular attention to eliminating unnecessary and intrusive data about nonacademic related information.

(c) \$348,000 of the public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(d) \$50,000 of the general fund—state appropriation for fiscal year 1998 and \$50,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to implement Substitute Senate Bill No. 5394 (school audit resolutions).

(e) The superintendent shall conduct a study and make recommendations to the 1999 legislature regarding a definition of and standards for skills centers. The standards shall be related to the cost differential of skills centers as compared to secondary vocational education allocations provided in the appropriations act and other relevant factors. The study shall also address proposals for new skills centers known as of August 31, 1998, and compare and analyze, insofar as possible, the proposals with the recommended standards. The study shall be submitted to the governor and the appropriate committees of the legislature by November 25, 1998.

(f) The superintendent shall prepare a study which compares the state's administrative and statutory requirements to provide special education with the requirements of federal law. A preliminary report shall be provided to the policy and fiscal committees of the legislature by October 15, 1998, and a final report shall be provided by December 15, 1998.

(2) STATE-WIDE PROGRAMS

(a) \$2,174,000 of the general fund—state appropriation is provided for in-service training and educational programs conducted by the Pacific Science Center.

(b) \$63,000 of the general fund—state appropriation is provided for operation of the Cispus environmental learning center.

(c) \$2,754,000 of the general fund—state appropriation is provided for educational centers, including state support activities. \$100,000 of this amount is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$100,000 a biennium.

(d) \$100,000 of the general fund—state appropriation is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out.

(e) \$2,148,000 of the general fund—state fiscal year 1998 appropriation and \$2,151,000 of the general fund—state fiscal year 1999 appropriation are provided

solely for implementation of reading initiatives to improve reading in early grades as enacted by the 1997 legislature. Of this amount, \$4,300,000 is provided solely to implement Engrossed Substitute House Bill No. 2042. Funds shall be used solely for the selection and purchase of the second grade reading tests in accordance with section 2 of the bill, scoring costs associated with the administration of the tests in the 1998-99 school year in accordance with section 5 of the bill, and grants to school districts in accordance with sections 4 and 7 of the bill.

(f) \$3,672,000 of the violence reduction and drug enforcement account appropriation and \$2,250,000 of the public safety education account appropriation are provided solely for matching grants to enhance security in schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in schools during school hours and school events. Of the amount provided in this subsection, at least \$2,850,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(g) \$200,000 of the general fund—state appropriation for fiscal year 1998, \$200,000 of the general fund—state appropriation for fiscal year 1999, and \$400,000 of the general fund—federal appropriation transferred from the department of health are provided solely for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising broadcasting, and graphics or video production or other related fields.

(h) \$1,500,000 of the general fund—state appropriation for fiscal year 1998 and \$1,500,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(i) \$300,000 of the general fund—state appropriation is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(j)(i) \$19,656,000 of the education savings account appropriation for fiscal year 1998 and \$19,656,000 of the education savings account appropriation for fiscal year 1999 are provided solely for matching grants and related state activities to provide school district consortia with programs utilizing technology to improve

learning. A maximum of \$150,000 each fiscal year of this amount is provided for administrative support and oversight of the K-20 network by the superintendent of public instruction. The superintendent of public instruction shall convene a technology grants committee representing private sector technology, school districts, and educational service districts to recommend to the superintendent grant proposals that have the best plans for improving student learning through innovative curriculum using technology as a learning tool and evaluating the effectiveness of the curriculum innovations. After considering the technology grants committee recommendations, the superintendent shall make matching grant awards, including granting at least fifteen percent of funds on the basis of criteria in (ii)(A) through (C) of this subsection (2)(j).

(ii) Priority for award of funds will be to (A) school districts most in need of assistance due to financial limits, (B) school districts least prepared to take advantage of technology as a means of improving student learning, and (C) school districts in economically distressed areas. The superintendent of public instruction, in consultation with the technology grants committee, shall propose options to the committee for identifying and prioritizing districts according to criteria in (i) and (ii) of this subsection (2)(j).

(iii) Options for review criteria to be considered by the superintendent of public instruction include, but are not limited to, free and reduced lunches, levy revenues, ending fund balances, equipment inventories, and surveys of technology preparedness. An "economically distressed area" is (A) a county with an unemployment rate that is at least twenty percent above the state-wide average for the previous three years; (B) a county that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base resulting in decline of its dominant industries; or (C) a district within a county which (I) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (II) has an unemployment rate which is at least forty percent higher than the county's unemployment rate.

(k) \$50,000 of the general fund—state appropriations is provided as matching funds for district contributions to provide analysis of the efficiency of school district business practices. The superintendent of public instruction shall establish criteria, make awards, and provide a report to the fiscal committees of the legislature by December 15, 1997, on the progress and details of analysis funded under this subsection (2)(k).

(l) (~~(\$19,797,000)~~) \$19,702,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for the purchase of classroom instructional materials and supplies. The superintendent shall allocate the funds at a maximum rate of \$20.82 per full-time equivalent student, beginning September 1, 1998, and ending June 30, 1999. The expenditure of the funds shall be determined at each school site by the individual teacher. School districts shall distribute all funds received to school buildings without deduction.

(m) \$15,000 of the general fund—state appropriation is provided solely to assist local districts vocational education programs in applying for low frequency FM radio licenses with the federal communications commission.

(n) \$35,000 of the general fund—state appropriation is provided solely to the state board of education to design a program to encourage high school students and other adults to pursue careers as vocational education teachers in the subject matter of agriculture.

(o) \$25,000 of the general fund—state appropriation for fiscal year 1998 and \$25,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for allocation to the primary coordinators of the state geographic alliance to improve the teaching of geography in schools.

(p) \$1,000,000 of the general fund—state appropriation is provided for state administrative costs and start-up grants for alternative programs and services that improve instruction and learning for at-risk and expelled students consistent with the objectives of Engrossed House Bill No. 1581 (disruptive students/offenders). Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and/or services after the grant period, shall address the needs of students who cannot be accommodated within the framework of existing school programs or services and shall address how the applicant will serve any student within the proposed program's target age range regardless of the reason for truancy, suspension, expulsion, or other disciplinary action. Up to \$50,000 per year may be used by the superintendent of public instruction for grant administration. The superintendent shall submit an evaluation of the alternative program start-up grants provided under this section, and section 501(2)(q), chapter 283, Laws of 1996, to the fiscal and education committees of the legislature by November 15, 1998. Grants shall be awarded to applicants showing the greatest potential for improved student learning for at-risk students including:

(i) Students who have been suspended, expelled, or are subject to other disciplinary actions;

(ii) Students with unexcused absences who need intervention from community truancy boards or family support programs;

(iii) Students who have left school; and

(iv) Students involved with the court system.

The office of the superintendent of public instruction shall prepare a report describing student recruitment, program offerings, staffing practices, and available indicators of program effectiveness of alternative education programs funded with state and, to the extent information is available, local funds. The report shall contain a plan for conducting an evaluation of the educational effectiveness of alternative education programs.

(q) \$1,600,000 of the general fund—state appropriation is provided for grants for magnet schools to be distributed as recommended by the superintendent of public instruction pursuant to chapter 232, section 516(13), Laws of 1992.

(r) \$4,300,000 of the general fund—state appropriation is provided for complex need grants. Grants shall be provided according to amounts shown in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(s) \$17,000,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6509 (successful readers act). Of this amount, \$9,000,000 is provided solely for beginning reading instructional programs pursuant to section 2(1) of the bill and \$8,000,000 is provided solely for volunteer tutor and mentor programs pursuant to section 2(2) of the bill. The superintendent shall notify districts of the availability of the funds by April 15th, 1998, and shall include in the notification limitations on rates for stipends and other cost factors. Stipends authorized under section 2(5) of the bill shall not exceed five days per program at a rate not to exceed \$222 per five-hour day, including fringe benefits. The superintendent shall establish allocation guidelines for other cost factors associated with providing the programs. If the bill is not enacted by June 30, 1998, the amounts provided in this subsection shall lapse.

(t) \$15,000 of the general fund—state appropriation for fiscal year 1998 and \$100,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for a study and recommendations related to education of offenders prosecuted as adults in accordance with Engrossed Substitute Senate Bill No. 6600 (correctional facilities education program). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(u) \$375,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for increased costs of providing a norm-referenced test to all third grade students and retests of certain third grade students and other costs in accordance with Second Substitute House Bill No. 2849 (student achievement). If the bill is not enacted by June 30, 1998, the amount provided in this subsection shall lapse.

(v) \$50,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for development and operation of a skills center in Port Angeles, contingent on meeting the standard for qualifying for skills center funding as developed by the superintendent of public instruction in subsection (1)(e) of this section.

(w) \$400,000 of the fiscal year 1999 general fund—state appropriation is provided solely for matching funds to improve the fiscal and student data capabilities of the Washington school information processing cooperative. The funds shall be allocated only if at least 267 school districts remain members of the cooperative for the 1998-99 school year.

(x) \$120,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for allocation to the Olympia school district for operation of the

legislative page school. \$46,000 of this amount may be expended only if the Olympia school district is not permitted to report the page school enrollment for apportionment purposes for the 1997-98 school year. The remainder of this amount is for operation of the page school in the 1998-99 school year and shall be based on the state average basic education apportionment amount per student multiplied by the number of full-time equivalent students.

Sec. 1502. 1998 c 346 s 503 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation (FY 1998)	\$	3,405,645,000
General Fund Appropriation (FY 1999)	\$	((3,473,603,000))
		<u>3,449,571,000</u>
TOTAL APPROPRIATION	\$	((6,879,248,000))
		<u>6,855,216,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year.

(2) Allocations for certificated staff salaries for the 1997-98 and 1998-99 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) An additional 5.3 certificated instructional staff units for grades K-3. Any funds allocated for these additional certificated units shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iii) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-3 certificated instructional staff ratio achieved in that school year,

or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full-time equivalent students in grades K-3 may use allocations generated under this subsection (2)(a)(iii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this subsection (2)(a)(iii) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants; and

(iv) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full-time equivalent enrollment in:

(i) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 18.3 full-time equivalent vocational students for the 1997-98 school year and for each 19.5 full-time equivalent vocational students in the 1998-99 school year. Beginning with the 1998-99 school year, districts documenting staffing ratios of less than 1 certificated staff per 19.5 students shall be allocated the greater of the total ratio in subsections (2)(a)(i) and (iv) of this section or the actual documented ratio;

(ii) Skills center programs approved by the superintendent of public instruction for skills centers approved prior to September 1, 1997, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(iii) Indirect cost charges, as defined by the superintendent of public instruction, to vocational-secondary programs shall not exceed 10 percent; and

(iv) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1997-98 and 1998-99 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 20.22 percent in the 1997-98 and 1998-99 school years for certificated salary allocations provided under subsection (2) of this section, and a rate of 18.65 percent in the 1997-98 and 1998-99 school years for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$7,950 per certificated staff unit in the 1997-98

school year and a maximum of \$8,053 per certificated staff unit in the 1998-99 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i) of this section, there shall be provided a maximum of \$15,147 per certificated staff unit in the 1997-98 school year and a maximum of \$19,775 per certificated staff unit in the 1998-99 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(ii) of this section, there shall be provided a maximum of \$15,147 per certificated staff unit in the 1997-98 school year and a maximum of \$15,344 per certificated staff unit in the 1998-99 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$354.64 per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1996-97 school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$6,114,000 outside the basic education formula during fiscal years 1998 and 1999 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$447,000 may be expended in fiscal year 1998 and a maximum of \$453,000 may be expended in fiscal year 1999;

(b) For summer vocational programs at skills centers, a maximum of \$1,948,000 may be expended each fiscal year;

(c) A maximum of \$318,000 may be expended for school district emergencies; and

(d) A maximum of \$500,000 per fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For the purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.5 percent from the 1996-97 school year to the 1997-98 school year, and 1.1 percent from the 1997-98 school year to the 1998-99 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 1503. 1998 c 346 s 504 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR
SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund Appropriation (FY 1998)	\$	79,412,000
General Fund Appropriation (FY 1999)	\$	((115,187,000))
		<u>114,658,000</u>
TOTAL APPROPRIATION	\$	((194,599,000))
		<u>194,070,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$174,999,000))~~ \$174,538,000 is provided for a cost of living adjustment of 3.0 percent effective September 1, 1997, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 19.58 percent for certificated staff and 15.15 percent for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide salary increase and incremental fringe benefit allocations based on formula adjustments as follows:

(i) For pupil transportation, an increase of \$0.60 per weighted pupil-mile for the 1997-98 school year and maintained for the 1998-99 school year;

(ii) For education of highly capable students, an increase of \$6.81 per formula student for the 1997-98 school year and maintained for the 1998-99 school year; and

(iii) For transitional bilingual education, an increase of \$17.69 per eligible bilingual student for the 1997-98 school year and maintained for the 1998-99 school year; and

(iv) For learning assistance, an increase of \$8.74 per entitlement unit for the 1997-98 school year and maintained for the 1998-99 school year.

(c) The appropriations in this section include (~~(\$903,000)~~) \$901,000 for salary increase adjustments for substitute teachers at a rate of \$10.64 per unit in the 1997-98 school year and maintained in the 1998-99 school year.

(2) (~~(\$19,600,000)~~) \$19,532,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$314.51 per month for the 1997-98 and 1998-99 school years. The appropriations in this section provide for a rate increase to \$317.34 per month for the 1997-98 school year and \$335.75 per month for the 1998-99 school year at the following rates:

(a) For pupil transportation, an increase of \$0.03 per weighted pupil-mile for the 1997-98 school year and \$0.19 for the 1998-99 school year;

(b) For education of highly capable students, an increase of \$0.20 per formula student for the 1997-98 school year and \$1.35 for the 1998-99 school year;

(c) For transitional bilingual education, an increase of \$.46 per eligible bilingual student for the 1997-98 school year and \$3.44 for the 1998-99 school year; and

(d) For learning assistance, an increase of \$.36 per funded unit for the 1997-98 school year and \$2.70 for the 1998-99 school year.

(3) The rates specified in this section are subject to revision each year by the legislature.

(4) For the 1997-98 school year, the superintendent shall prepare a report showing the allowable derived base salary for certificated instructional staff in accordance with RCW 28A.400.200 and LEAP Document 12D, and the actual derived base salary paid by each school district as shown on the S-275 report and shall make the report available to the fiscal committees of the legislature no later than February 15, 1998.

Sec. 1504. 1998 c 346 s 505 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation (FY 1998)	\$	175,168,000
General Fund Appropriation (FY 1999)	\$	(179,439,000)

	<u>175,618,000</u>
TOTAL APPROPRIATION	\$ ((354,607,000))
	<u>350,786,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year.

(2) A maximum of \$1,441,000 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$30,000 of the fiscal year 1998 appropriation and \$40,000 of the fiscal year 1999 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$34.47 per weighted mile in the 1997-98 school year and \$34.61 per weighted mile in the 1998-99 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction times the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school times the per mile reimbursement rate for the school year times 1.29.

Sec. 1505. 1998 c 346 s 507 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 1998)	\$ 371,687,000
General Fund—State Appropriation (FY 1999)	\$ ((378,405,000))
	<u>377,811,000</u>
General Fund—Federal Appropriation	\$ 143,106,000
TOTAL APPROPRIATION	\$ ((893,198,000))
	<u>892,604,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year.

(2) The superintendent of public instruction shall distribute state funds to school districts based on two categories, the optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education

eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(3) For the 1997-98 and 1998-99 school years, the superintendent shall distribute state funds to each district based on the sum of:

(a) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, times the district's average basic education allocation per full-time equivalent student, times 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment times the funded enrollment percent determined pursuant to subsection (4)(c) of this section, times the district's average basic education allocation per full-time equivalent student times 0.9309.

(4) The definitions in this subsection apply throughout this section.

(a) "Average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 (i.e., 49/1000 certificated instructional staff in grades K-3, and 46/1000 in grades 4-12) and shall not include enhancements for K-3, secondary vocational education, or small schools.

(b) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(c) "Enrollment percent" means the district's resident special education annual average enrollment including those students counted under the special education demonstration projects, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment. For the 1997-98 and the 1998-99 school years, each district's funded enrollment percent shall be:

(i) For districts whose enrollment percent for 1994-95 was at or below 12.7 percent, the lesser of the district's actual enrollment percent for the school year for which the allocation is being determined or 12.7 percent.

(ii) For districts whose enrollment percent for 1994-95 was above 12.7 percent, the lesser of:

(A) The district's actual enrollment percent for the school year for which the special education allocation is being determined; or

(B) The district's actual enrollment percent for the school year immediately prior to the school year for which the special education allocation is being determined if greater than 12.7 percent; or

(C) For 1997-98, the 1994-95 enrollment percent reduced by 75 percent of the difference between the district's 1994-95 enrollment percent and 12.7 percent and for 1998-99, 12.7 percent.

(5) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be 12.7, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection (4) of this section, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(6) A maximum of \$12,000,000 of the general fund—state appropriation for fiscal year 1998 and a maximum of \$12,000,000 of the general fund—state appropriation for fiscal year 1999 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (3) of this section. Safety net funding shall be awarded by the state safety net oversight committee.

(a) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(b) The committee shall then consider unusual needs of districts due to a special education population which differs significantly from the assumptions of the state funding formula. Awards shall be made to districts that convincingly demonstrate need due to the concentration and/or severity of disabilities in the district. Differences in program costs attributable to district philosophy or service delivery style are not a basis for safety net awards.

(7) Prior to June 1st of each year, the superintendent shall make available to each school district from available data the district's maximum funded enrollment percent for the coming school year.

(8) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules in place for the 1996-97 school year, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(9) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

- (a) Staff of the office of superintendent of public instruction;
- (b) Staff of the office of the state auditor;
- (c) Staff from the office of ((the)) financial management; and
- (d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(10) A maximum of \$4,500,000 of the general fund—federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students.

(11) A maximum of \$678,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund—federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A school district may carry over up to 10 percent of general fund—state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(14) Beginning in the 1997-98 school year, the superintendent shall increase the percentage of federal flow-through to school districts to at least 84 percent. In addition to other purposes, school districts may use increased federal funds for high cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) Up to one percent of the general fund—federal appropriation shall be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(16) Amounts appropriated within this section are sufficient to fund the provisions of House Bill No. 2682 (school medicaid incentive payments).

Sec. 1506. 1998 c 346 s 508 (uncodified) is amended to read as follows:
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR
TRAFFIC SAFETY EDUCATION PROGRAMS**
Public Safety and Education Account

Appropriation \$ ((16,883,000))
16,186,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation includes such funds as are necessary for the remaining months of the 1996-97 school year.

(2) A maximum of \$507,000 shall be expended for regional traffic safety education coordinators.

(3) The maximum basic state allocation per student completing the program shall be \$137.16 in the 1997-98 and 1998-99 school years.

(4) Additional allocations to provide tuition assistance for students from low-income families who complete the program shall be a maximum of \$66.81 per eligible student in the 1997-98 and 1998-99 school years.

Sec. 1507. 1998 c 346 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation (FY 1998)	\$	82,079,000
General Fund Appropriation (FY 1999)	\$	((86,272,000))
		<u>83,253,000</u>
TOTAL APPROPRIATION	\$	((168,351,000))
		<u>165,332,000</u>

Sec. 1508. 1998 c 346 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 1998)	\$	16,897,000
General Fund—State Appropriation (FY 1999)	\$	((18,596,000))
		<u>18,567,000</u>
General Fund—Federal Appropriation	\$	8,548,000
TOTAL APPROPRIATION	\$	((44,041,000))
		<u>44,012,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) \$1,196,000 of the fiscal year 1999 general fund—state appropriation is provided to implement Engrossed Substitute Senate Bill No. 6600 (correctional facilities education programs). If Engrossed Substitute Senate Bill No. 6600 is enacted, beginning in the 1998-99 school year, the funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided for education programs in delinquent institutions under the department of social and health services. If the bill is not enacted by June 30, 1998, the amounts provided in this subsection shall lapse.

Sec. 1509. 1998 c 346 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation (FY 1998)	\$	5,701,000
General Fund Appropriation (FY 1999)	\$	((6,121,000))
		<u>6,096,000</u>
TOTAL APPROPRIATION	\$	((11,822,000))
		<u>11,797,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation for fiscal year 1998 includes such funds as are necessary for the remaining months of the 1996-97 school year.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$311.12 per funded student for the 1997-98 school year and \$311.35 per funded student for the 1998-99 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$350,000 of the appropriation is for the centrum program at Fort Worden state park.

(4) \$186,000 of the appropriation is for the odyssey of the mind and future problem-solving programs.

Sec. 1510. 1998 c 346 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund Appropriation (FY 1998)	\$	18,605,000
General Fund Appropriation (FY 1999)	\$	((22,017,000))
		<u>21,967,000</u>
TOTAL APPROPRIATION	\$	((40,622,000))
		<u>40,572,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((17,153,000))~~ \$17,103,000 is provided for the operation of the commission on student learning and the development and implementation of student assessments. The commission shall cooperate with the superintendent of public instruction in defining measures of student achievement to be included in the student record system developed by the superintendent pursuant to section 501(1)(b) of this act.

(2) \$2,190,000 is provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(3) \$2,970,000 is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260. Funds for the

teacher assistance program shall be allocated to school districts based on the number of beginning teachers.

(4) \$4,050,000 is provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(5) \$7,200,000 is provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(6) \$5,000,000 is provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(7) \$1,260,000 is provided for technical assistance related to education reform through the office of the superintendent of public instruction, in consultation with the commission on student learning, as specified in RCW 28A.300.130 (center for the improvement of student learning).

(8) \$799,000 of the fiscal year 1999 appropriation is provided solely for the leadership internship program for superintendents, principals, and program administrators. The purpose of the program is to provide funds to school districts to provide partial release time for district employees in an internship with an appropriate mentor. The funds shall be distributed by the superintendent to school districts subject to the following conditions and limitations:

(i) The superintendent with the assistance of an advisory board that includes school administrators and higher education representatives shall select internship participants giving priority to candidates who intend to serve in school districts where finding qualified applicants has been difficult.

(ii) Candidates if accepted in the internship program must agree to seek employment in Washington after receiving certification, participate in education improvement training activities, and participate in evaluations of the effectiveness of the internship program.

(iii) The maximum amount of state funding for each internship shall not exceed the daily rate of providing a substitute teacher for the equivalent of up to forty-five days and the funds shall be used to pay for partial release time while the school district employee is completing the internship.

(iv) The superintendent may withhold a maximum of seven percent of the funds for costs of implementing the program.

Sec. 1511. 1998 c 346 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation (FY 1998)	\$	30,711,000
General Fund Appropriation (FY 1999)	\$	((32,185,000))
		<u>32,825,000</u>
TOTAL APPROPRIATION	\$	((62,896,000))
		<u>63,536,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation for fiscal year 1998 provides such funds as are necessary for the remaining months of the 1996-97 school year.
- (2) The superintendent of public instruction shall study the formula components proposed for the 1998-99 school year and prepare a report to the legislature no later than January 15, 1998.
- (3) The superintendent shall distribute a maximum of \$643.78 per eligible bilingual student in the 1997-98 and 1998-99 school years, exclusive of salary and benefit adjustments provided in section 503 of this act.

Sec. 1512. 1998 c 346 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation (FY 1998)	\$	60,224,000
General Fund Appropriation (FY 1999)	\$	((61,000,000))
		<u>60,408,000</u>
TOTAL APPROPRIATION	\$	((121,224,000))
		<u>120,632,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation for fiscal year 1998 provides such funds as are necessary for the remaining months of the 1996-97 school year.
- (2) For making the calculation of the percentage of students scoring in the lowest quartile as compared with national norms, beginning with the 1991-92 school year, the superintendent shall multiply each school district's 4th and 8th grade test results by 0.86.
- (3) Funding for school district learning assistance programs shall be allocated at maximum rates of \$378.33 per funded unit for the 1997-98 school year and \$378.88 per funded unit for the 1998-99 school year exclusive of salary and benefit adjustments provided in section 504 of this act. School districts may carryover up to 10 percent of funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.
 - (a) A school district's funded units for the 1997-98 and 1998-99 school years shall be the sum of the following:

(i) The district's full-time equivalent enrollment in kindergarten through 6th grade, times the 5-year average 4th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(ii) The district's full-time equivalent enrollment in grades 7 through 9, times the 5-year average 8th grade test result as adjusted pursuant to subsection (2) of this section, times 0.92; and

(iii) If in the prior school year the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year times 22.30 percent.

Sec. 1513. 1998 c 346 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL ENHANCEMENT FUNDS

General Fund Appropriation (FY 1998)	\$	49,493,000
General Fund Appropriation (FY 1999)	\$	((55,659,000))
		<u>55,474,000</u>
TOTAL APPROPRIATION	\$	((105,152,000))
		<u>104,967,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of ~~((50,418,000))~~ \$50,317,000 is provided for learning improvement allocations to school districts to enhance the ability of instructional staff to teach and assess the essential academic learning requirements for reading, writing, communication, and math in accordance with the timelines and requirements established under RCW 28A.630.885. However, special emphasis shall be given to the successful teaching of reading. Allocations under this section shall be subject to the following conditions and limitations:

(a) In accordance with the timetable for the implementation of the assessment system by the commission on student learning, the allocations for the 1997-98 and 1998-99 school years shall be at a maximum annual rate per full-time equivalent student of \$36.69 for students enrolled in grades K-4, \$30.00 for students enrolled in grades 5-7, and \$22.95 for students enrolled in grades 8-12. Allocations shall be made on the monthly apportionment schedule provided in RCW 28A.510.250.

(b) A district receiving learning improvement allocations shall:

(i) Develop and keep on file at each building a student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall delineate how the learning improvement allocations will be used to accomplish the foregoing. The plan shall be made available to the public upon request;

(ii) Maintain a policy regarding the involvement of school staff, parents, and community members in instructional decisions;

(iii) File a report by October 1, 1998, and October 1, 1999, with the office of the superintendent of public instruction, in a format developed by the superintendent that: Enumerates the activities funded by these allocations; the amount expended for each activity; describes how the activity improved understanding, teaching, and assessment of the essential academic learning requirements by instructional staff; and identifies any amounts expended from this allocation for supplemental contracts; and

(iv) Provide parents and the local community with specific information on the use of this allocation by including in the annual performance report required in RCW 28A.320.205, information on how funds allocated under this subsection were spent and the results achieved.

(c) The superintendent of public instruction shall compile and analyze the school district reports and present the results to the office of financial management and the appropriate committees of the legislature no later than November 15, 1998, and November 15, 1999.

(2) (~~(\$54,734,000)~~) \$54,650,000 is provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs. This amount includes such amounts as are necessary for the remainder of the 1996-97 school year. Allocations for the 1997-98 school year shall be at a maximum annual rate of \$29.86 per full-time equivalent student and \$28.81 per full-time equivalent student for the 1998-99 school year as determined pursuant to subsection (3) of this section. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250.

(3) Allocations provided under this section shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than 60 average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than 20 average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than 60 average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) Receipt by a school district of one-fourth of the district's allocation of funds under this section, shall be conditioned on a finding by the superintendent that:

(a) The district is enrolled as a medicaid service provider and is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); and

(b) The district is filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

Sec. 1514. 1997 c 454 s 509 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION—COMMON SCHOOL CONSTRUCTION

<u>General Fund Appropriation (FY 1999) to the</u>	
<u>Common School Construction Account</u>	\$ 53,050,000
Education Savings Account Appropriation to the	
Common School Construction Account	\$ ((12,621,000))
	<u>78,916,000</u>
<u>TOTAL APPROPRIATION</u>	\$ 131,966,000

Sec. 1515. 1997 c 235 s 501 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION

Public school building construction (98-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) From the appropriation in this section the state board shall fund one hundred percent of the cost for a required standard value engineering study on all projects exceeding 50,000 gross square feet in size. On an annual basis, the board shall report to the legislative fiscal committees and the office of financial management the results of these studies including but not limited to the amounts of each study and the accepted savings achieved due to the studies.

(2) No more than \$138,000,000 of this appropriation, excluding reappropriations, may be obligated in fiscal year 1998 for school district project design and construction.

(3) Total cash disbursed from the common school construction fund may not exceed the available cash balance.

(4) The reappropriation from the state building construction account shall serve as full compensation to the common school trust for the transfer of land to the Washington State University Lind Dryland Research Unit under Substitute House Bill No. 1016 or Senate Bill No. 5174.

(5) No more than \$7,110,000 of this appropriation may be allocated by the state board to provide up to ninety percent of the total project cost for the renovation of facilities operating as interdistrict cooperative centers providing vocational skill programs. The remaining portion of the project cost shall be a match from local sources. As a condition to receiving an allocation from this appropriation or any other appropriation for a vocational skill center provided after calendar year 1996, the recipient facility must maintain a separate capital account, into which the participating districts make deposits, to pay for all future minor repair and renovation costs for the vocational skill center. For purposes of this subsection, a future minor repair and renovation cost is a capital project costing less than forty percent of the value of the building.

Reappropriation:

St Bldg Constr Acct—State	\$	18,329,671
Common School Constr Fund—State . . .	\$	<u>109,115,719</u>
Subtotal Reappropriation	\$	127,445,390

Appropriation:

Common School Constr Fund—		
State	\$	((275,798,712))
		<u>289,548,712</u>
Prior Biennia (Expenditures)	\$	((302,821,218))
		<u>719,815,320</u>
Future Biennia (Projected Costs)	\$	<u>801,600,000</u>
TOTAL	\$	((1,507,665,320))
		<u>1,521,415,320</u>

NEW SECTION. Sec. 1516. A new section is added to 1997 c 149 (uncodified) to read as follows:

K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS. State general fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

PART XVI
HIGHER EDUCATION—SUPPLEMENTAL APPROPRIATIONS

Sec. 1601. 1998 c 346 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015.

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management a salary increase of 3.0 percent on July 1, 1997. Each institution of higher education shall provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 3.0 percent on July 1, 1997. For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015, distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated. To collect consistent data for use by the legislature, the office of financial management, and other state agencies for policy and planning purposes, institutions of higher education shall report personnel data to be used in the department of personnel's human resource data warehouse in compliance with uniform reporting procedures established by the department of personnel.

(c) Each institution of higher education receiving appropriations under sections 604 through 609 of this act may provide to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015, an additional average salary increase of 1.0 percent on July 1, 1997, and an average salary increase of 2.0 percent on July 1, 1998. Any salary increases authorized under this subsection (2)(c) shall not be included in an institution's salary base. It is the intent of the legislature that general fund—state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection.

(3)(a) Each institution receiving appropriations under sections 604 through 609 of this act shall submit plans for achieving measurable and specific improvements in academic years 1997-98 and 1998-99 to the higher education coordinating board. The plans, to be prepared at the direction of the board, shall be submitted by August 15, 1997 (for academic year 1997-98) and June 30, 1998 (for academic year 1998-99). The following measures and goals will be used for the 1997-99 biennium:

	Goal
(i) Undergraduate graduation efficiency index:	
For students beginning as freshmen	95
For transfer students	90
(ii) Undergraduate student retention, defined as the percentage of all undergraduate students who return for the next year at the same institution, measured from fall to fall:	
Research universities	95%
Comprehensive universities and college	90%
(iii) Graduation rates, defined as the percentage of an entering freshmen class at each institution that graduates within five years:	
Research universities	65%
Comprehensive universities and college	55%

(iv) A measure of faculty productivity, with goals and targets in accord with the legislative intent to achieve measurable and specific improvements, to be determined by the higher education coordinating board, in consultation with the institutions receiving appropriations under sections 604 through 609 of this act.

(v) An additional measure and goal to be selected by the higher education coordinating board for each institution, in consultation with each institution.

(b) Academic year 1995-96 shall be the baseline year against which performance in academic year 1997-98 shall be measured. Academic year 1997-98 shall be the baseline year against which performance in academic year 1998-99 shall be measured. The difference between each institution's baseline year and the state-wide performance goals shall be calculated and shall be the performance gap for each institution for each measure for each year. The higher education coordinating board shall set performance targets for closing the performance gap for each measure for each institution. Performance targets shall be set at levels that reflect meaningful and substantial progress towards the state-wide performance goals. Each institution shall report to the higher education coordinating board on its actual performance achievement for each measure for academic year 1997-98 by November 1, 1998.

(4) The state board for community and technical colleges shall develop an implementation plan for measurable and specific improvements in productivity,

efficiency, and student retention in academic years 1997-98 and 1998-99 consistent with the performance management system developed by the work force training and education coordinating board and for the following long-term performance goals:

	Goal
(a) Hourly wages for vocational graduates	\$12/hour
(b) Academic students transferring to Washington higher education institutions	67%
(c) Core course completion rates	85%
(d) Graduation efficiency index	95

(5) The state's public institutions of higher education increasingly are being called upon to become more efficient in conducting the business operations necessary to support the carrying out of their academic missions. The legislature recognizes that state laws and regulations may have the unintended effect of acting as barriers to efficient operation in some instances, and desires to encourage the institutions of higher education to think beyond the constraints of current law in identifying opportunities for improved efficiency. Accordingly, the legislature requests that the institutions of higher education, working together through the council of presidents' office and the state board for community and technical colleges, identify opportunities for changes in state law that would form the basis for a new efficiency compact with the state, for consideration no later than the 1999 legislative session.

(6) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 1997-99 fiscal biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels established by the legislature in RCW 28B.15.067.

Sec. 1602. 1998 c 346 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 1998)	\$ 380,445,000
General Fund—State Appropriation (FY 1999)	\$ ((421,647,000))
	<u>421,050,000</u>
General Fund—Federal Appropriation	\$ 11,404,000
Employment and Training Trust Account	
Appropriation	\$ 29,114,000
TOTAL APPROPRIATION	\$ ((842,610,000))
	<u>842,013,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,718,000 of the general fund—state appropriation for fiscal year 1998 and \$4,079,000 of the general fund—state appropriation for fiscal year 1999 shall be held in reserve by the board. These funds are provided for improvements in productivity, efficiency, and student retention. The board may approve the fiscal year 1998 allocation of funds under this subsection upon completion of an implementation plan. The implementation plan shall be submitted by the board to the appropriate legislative committees and the office of financial management in accordance with section 601(4) of this act by September 1, 1997. The board may approve the fiscal year 1999 allocation of funds under this subsection based on the board's evaluation of:

(a) College performance compared to the goals for productivity, efficiency, and student retention as submitted in the plan required in section 601(4) of this act; and

(b) The quality and effectiveness of the strategies the colleges propose to achieve continued improvement in quality and efficiency during the 1998-99 academic year.

(2) \$28,546,000 of the general fund—state appropriation for fiscal year 1999 and the entire employment and training trust account appropriation are provided solely as special funds for training and related support services, including financial aid, child care, and transportation, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers) and Substitute House Bill No. 2214.

(a) Funding is provided to support up to 7,200 full-time equivalent students in each fiscal year.

(b) The state board for community and technical colleges shall submit a plan for the allocation of the full-time equivalent students provided in this subsection to the workforce training and education coordinating board for review and approval.

(3) \$1,441,000 of the general fund—state appropriation for fiscal year 1998 and \$1,441,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for 500 FTE enrollment slots to implement RCW 28B.50.259 (timber-dependent communities).

(4) \$1,862,500 of the general fund—state appropriation for fiscal year 1998 and \$1,862,500 of the general fund—state appropriation for fiscal year 1999 are provided solely for assessment of student outcomes at community and technical colleges.

(5) \$706,000 of the general fund—state appropriation for fiscal year 1998 and \$706,000 of general fund—state appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(6) Up to \$1,035,000 of the general fund—state appropriation for fiscal year 1998 and up to \$2,102,000 of the general fund—state appropriation for fiscal year 1999 may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the

extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(7) To address part-time faculty salary disparities and to increase the ratio of full-time to part-time faculty instructors, the board shall provide salary increases to part-time instructors or hire additional full-time instructional staff under the following conditions and limitations: (a) The amount used for such purposes shall not exceed an amount equivalent to an additional salary increase of 1.0 percent on July 1, 1997, and an additional salary increase of 2.0 percent on July 1, 1998, for instructional faculty as classified by the office of financial management; and (b) at least \$2,934,000 shall be spent for the purposes of this subsection.

(8) \$83,000 of the general fund—state appropriation for fiscal year 1998 and \$867,000 of the general fund—state appropriation for fiscal year 1999 are provided for personnel and expenses to develop curricula, library resources, and operations of Cascadia Community College. It is the legislature's intent to use the opportunity provided by the establishment of the new institution to conduct a pilot project of budgeting based on instructional standards and outcomes. The college shall use a portion of the available funds to develop a set of measurable standards and outcomes as the basis for budget development in the 1999-01 biennium.

(9) The technical colleges may increase tuition and fees to conform with the percentage increase in community college operating fees enacted by the 1997 legislature. The community colleges may charge up to the maximum level authorized for services and activities fees in RCW 28B.15.069.

(10) Community and technical colleges with below-average faculty salaries may use funds identified by the state board in the 1997-98 and 1998-99 operating allocations to increase faculty salaries no higher than the system-wide average.

(11) \$1,000,000 of the general fund—state appropriation for fiscal year 1998 and \$1,000,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for tuition support for students enrolled in work-based learning programs.

(12) \$700,000 of the general fund—state appropriation for fiscal year 1999 is provided solely for a technology equipment matching program for community and technical colleges. Each college district shall match its allocation of this appropriation with an equal amount of cash donations from private sources.

~~(13) (\$125,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8), as referenced in section 707(1)(c) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

~~(14))~~ \$669,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1), as referenced in section 707(1)(d)

of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.

Sec. 1603. 1998 c 346 s 604 (uncodified) is amended to read as follows:

FOR UNIVERSITY OF WASHINGTON

General Fund Appropriation (FY 1998)	\$	283,923,000
General Fund Appropriation (FY 1999)	\$	((293,988,000))
		<u>295,988,000</u>
Death Investigations Account Appropriation	\$	((2,162,000))
		<u>2,342,000</u>
Industrial Insurance Premium Refund Account		
Appropriation	\$	514,000
Accident Account Appropriation	\$	4,969,000
Medical Aid Account Appropriation	\$	4,989,000
TOTAL APPROPRIATION	\$	((590,545,000))
		<u>592,725,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,019,000 of the general fund appropriation for fiscal year 1998 and ~~((3,029,000))~~ \$2,562,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$800,000 of the general fund appropriation for fiscal year 1998 and \$1,896,000 of the general fund appropriation for fiscal year 1999 are provided solely to support additional upper-division and graduate level enrollments at the Tacoma branch campus above the 1996-97 budgeted FTE level.

(3) \$593,000 of the general fund appropriation for fiscal year 1998 and \$1,547,000 of the general fund appropriation for fiscal year 1999 are provided solely to support additional upper-division and graduate level enrollments at the Bothell branch campus above the 1996-97 budgeted FTE level.

(4) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(5) \$324,000 of the general fund appropriation for fiscal year 1998 and \$324,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(6) \$130,000 of the general fund appropriation for fiscal year 1998 and \$130,000 of the general fund appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan agency action item UW-01.

(7) \$1,200,000 of the general fund appropriation for fiscal year 1998 and \$1,200,000 of the general fund appropriation for fiscal year 1999 are provided

solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

(8) \$47,000 of the fiscal year 1998 general fund appropriation and \$47,000 of the fiscal year 1999 general fund appropriation are provided solely to employ a fossil preparator/educator in the Burke Museum. The entire amounts provided in this subsection shall be provided directly to the Burke Museum.

(9) \$75,000 of the general fund appropriation for fiscal year 1998 and \$75,000 of the general fund appropriation for fiscal year 1999 are provided solely for enhancements to research capabilities at the Olympic natural resources center.

(10) \$150,000 of the general fund appropriation for fiscal year 1999 is provided solely for remodeling and equipment necessary to accommodate enrollment growth at the Bothell branch campus.

(11) \$560,000 of the general fund appropriation for fiscal year 1999 is provided solely for the disabilities, opportunities, internetworking, and technology program.

(12) (~~(\$3,000,000)~~) \$6,538,000 of the general fund appropriation for fiscal year 1999 is provided solely to establish a high speed internet-2 hub.

(13) \$150,000 of the general fund appropriation for fiscal year 1999 is provided solely to support the physicians assistant program in Spokane.

(14) \$352,000 of the death investigations account appropriation is provided solely for staff and equipment for the state toxicology laboratory to support implementation of quality control procedures and laboratory certification, and for enhanced screening of sexual assault victims, blood alcohol and volatile intoxicants analysis, and blood tests for marijuana in driving cases.

(15) (~~(\$74,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in Burbage et al. v. State of Washington (Thurston county superior court cause no. 94-2-02560-8), as referenced in section 707(1)(c) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

~~—(16))~~ \$397,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in Retired State Employees et al. v. State of Washington (Thurston county superior court cause no. 92-2-01294-1), as referenced in section 707(1)(d) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.

(16) \$180,000 of the death investigations account appropriation is provided for the forensic pathologist fellowship program.

Sec. 1604. 1998 c 346 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation (FY 1998) \$ 169,894,000

General Fund Appropriation (FY 1999)	\$	((171,125,000))
		<u>170,180,000</u>
Air Pollution Control Account Appropriation	\$	206,000
TOTAL APPROPRIATION	\$	((341,225,000))
		<u>340,280,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,204,000 of the general fund appropriation for fiscal year 1998 and ((~~\$1,807,000~~)) \$1,200,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$1,059,000 of the general fund appropriation for fiscal year 1999 is provided solely to support additional upper-division and graduate level enrollments at the Vancouver branch campus above the 1996-97 budgeted FTE level.

(3) \$263,000 of the general fund appropriation for fiscal year 1998 and \$263,000 of the general fund appropriation for fiscal year 1999 are provided solely to support additional upper-division and graduate level enrollments at the Tri-Cities branch campus above the 1996-97 budgeted FTE level.

(4) \$971,000 of the general fund appropriation for fiscal year 1999 is provided solely to support additional upper-division and graduate level enrollments at the Spokane branch campus above the 1996-97 budgeted FTE level.

(5) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(6) \$140,000 of the general fund appropriation for fiscal year 1998 and \$140,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(7) \$157,000 of the general fund appropriation for fiscal year 1998 and \$157,000 of the general fund appropriation for fiscal year 1999 are provided solely for the implementation of the Puget Sound work plan agency action item WSU-01.

(8) \$600,000 of the general fund appropriation for fiscal year 1998 and \$600,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

(9) \$50,000 of the general fund appropriation for fiscal year 1998 and \$50,000 of the general fund appropriation for fiscal year 1999 are provided solely for yellow star thistle research.

(10) \$55,000 of the general fund appropriation for fiscal year 1998 and \$55,000 of the general fund appropriation for fiscal year 1999 are provided solely for the Goldendale distance learning center.

(11) \$3,250,000 of the general fund appropriation for fiscal year 1998 is provided solely for legal costs and settlement payments associated with construction claims for the Vancouver branch campus and the veterinary teaching hospital capital projects.

(12) \$590,000 of the general fund appropriation for fiscal year 1999 is provided solely for the management of the Spokane riverpoint campus as provided in Substitute Senate Bill No. 6655.

(13) \$100,000 of the fiscal year 1999 general fund appropriation is provided solely for the aquatic animal health diagnostic center to accommodate an unanticipated caseload increase.

~~(14) (\$43,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8), as referenced in section 707(1)(c) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

~~—(15)) \$228,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1), as referenced in section 707(1)(d) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

Sec. 1605. 1998 c 346 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1998)	\$	39,211,000
General Fund Appropriation (FY 1999)	\$	((39,563,000))
		<u>39,460,000</u>
TOTAL APPROPRIATION	\$	((78,774,000))
		<u>78,671,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$285,000 of the general fund appropriation for fiscal year 1998 and ~~((428,000))~~ \$385,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(3) \$93,000 of the general fund appropriation for fiscal year 1998 and \$93,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(4) \$53,000 of the general fund—state appropriation for fiscal year 1998 and \$54,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

(5) \$3,188,000 of the general fund appropriation for fiscal year 1998 and \$3,188,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve pending attainment of budgeted enrollments of 6,942 FTEs. The office of financial management shall approve the allotment of funds under this subsection at the annual rate of \$4,000 for annual student FTEs in excess of 6,942 based on tenth day quarterly enrollment and the office of financial management's quarterly budget driver report. In addition, allotments of reserve funds in this section shall be approved by the office of financial management upon approval by the higher education coordinating board for (a) actions that will result in additional enrollment growth, and (b) contractual obligations in fiscal year 1998 to the extent such funds are required.

(6) Pursuant to section 904 of this act and within current appropriation levels, the waiver limit for Eastern Washington University is increased from 11 percent to 14 percent during the 1997-99 fiscal biennium. Eastern Washington University shall report by December 15, 1998, to the appropriate committees of the legislature, the office of financial management, and the higher education coordinating board on its implementation of the increased waiver limit.

~~(7) (\$12,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Durbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8), as referenced in section 707(1)(e) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

~~—(8)) \$62,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1), as referenced in section 707(1)(d) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

Sec. 1606. 1998 c 346 s 607 (uncodified) is amended to read as follows:
FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1998)	\$	37,244,000
General Fund Appropriation (FY 1999)	\$	((38,749,000))
		<u>38,767,000</u>
TOTAL APPROPRIATION	\$	((75,993,000))
		<u>76,011,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund appropriation for fiscal year 1998 and ~~(\$403,000)~~ \$302,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(3) \$70,000 of the general fund appropriation for fiscal year 1998 and \$70,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(4) \$51,000 of the general fund appropriation for fiscal year 1998 and \$51,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The college shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

~~(5) ((\$11,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Durbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8), as referenced in section 707(1)(e) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse:~~

~~—(6)) \$62,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1), as referenced in section 707(1)(d) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

Sec. 1607. 1998 c 346 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation (FY 1998)	\$	20,401,000
General Fund Appropriation (FY 1999)	\$	((20,596,000))
		<u>20,496,000</u>
TOTAL APPROPRIATION	\$	((40,997,000))

40,897,000

The appropriations in this section is subject to the following conditions and limitations:

(1) \$144,000 of the general fund appropriation for fiscal year 1998 and ~~(\$217,000)~~ \$153,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(3) \$47,000 of the general fund appropriation for fiscal year 1998 and \$47,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(4) \$29,000 of the general fund appropriation for fiscal year 1998 and \$29,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The college shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

(5) \$35,000 of the general fund appropriation for fiscal year 1999 is provided solely for the Washington institute for public policy to conduct a study of college students' employment. The study shall include, but need not be limited to, matching student enrollment information with unemployment insurance information. The office of financial management, higher education coordinating board, state board for community and technical colleges, and the employment security department shall assist the institute in the performance of the study. Results of the study are to be reported to the legislature by January 15, 1999.

(6) \$250,000 of the general fund appropriation for fiscal year 1998 is provided solely for equipment and expenses necessary to accommodate enrollment growth.

~~(7) (\$7,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Durbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8), as referenced in section 707(1)(c) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

~~—(8)) \$36,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1), as referenced in section 707(1)(d) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

Sec. 1608. 1998 c 346 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation (FY 1998)	\$	47,822,000
General Fund Appropriation (FY 1999)	\$	((48,951,000))
		<u>48,703,000</u>
TOTAL APPROPRIATION	\$	((96,773,000))
		<u>96,525,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$342,000 of the general fund appropriation for fiscal year 1998 and ~~(\$514,000)~~ \$331,000 of the general fund appropriation for fiscal year 1999 shall be placed in reserve. The office of financial management shall approve the allotment of amounts under this subsection upon notification by the higher education coordinating board. These amounts are provided for the preparation of plans and for the achievement of measurable and specific improvements towards performance and accountability goals as outlined in section 601(3) of this act.

(2) \$186,000 of the general fund appropriation for fiscal year 1998 and \$186,000 of the general fund appropriation for fiscal year 1999 are provided solely for assessment of student outcomes.

(3) \$93,000 of the general fund appropriation for fiscal year 1998 and \$93,000 of the general fund appropriation for fiscal year 1999 are provided solely to recruit and retain minority students and faculty.

(4) \$66,000 of the general fund appropriation for fiscal year 1998 and \$67,000 of the general fund appropriation for fiscal year 1999 are provided solely for competitively offered faculty recruitment and retention salary adjustments. The university shall provide a report in their 1999-01 biennial operating budget request submittal on the effective expenditure of funds for the purposes of this subsection.

(5) ~~(\$15,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8), as referenced in section 707(1)(c) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

~~—(6))~~ \$81,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1), as referenced in section 707(1)(d) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.

Sec. 1609. 1998 c 346 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD—POLICY COORDINATION AND ADMINISTRATION

General Fund—State Appropriation (FY 1998)	\$ 2,809,000
General Fund—State Appropriation (FY 1999)	\$ ((3,604,000))
	<u>3,603,000</u>
General Fund—Federal Appropriation	\$ 704,000
TOTAL APPROPRIATION	\$ ((7,117,000))
	<u>7,116,000</u>

The appropriations in this section are provided to carry out the accountability, performance measurement, policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) The board shall set performance targets, review, recommend changes if necessary, and approve plans defined in section 601(3)(a) of this act for achieving measurable and specific improvements in academic years 1997-98 and 1998-99. By October 1, 1997, the board shall notify the office of financial management to allot institutions' fiscal year 1998 performance funds held in reserve, based upon the adequacy of plans prepared by the institutions.

(2) The board shall develop criteria to assess institutions' performance and shall use those criteria in determining the allotment of performance and accountability funds. The board shall evaluate each institution's achievement of performance targets for the 1997-98 academic year and, by November 15, 1998, the board shall notify the office of financial management to allot institutions' fiscal year 1999 performance funds held in reserve, based upon each institution's performance.

(3) By January, 1999, the board shall recommend to the office of financial management and appropriate legislative committees any recommended additions, deletions, or revisions to the performance and accountability measures in sections 601(3) of this act as part of the next master plan for higher education. The recommendations shall be developed in consultation with the institutions of higher education and may include additional performance indicators to measure successful student learning and other student outcomes for possible inclusion in the 1999-01 operating budget. The recommendations shall include measures of performance demonstrating specific and measurable improvements related to distance education and education provided primarily through technology, to be determined by the board, in consultation with the institutions of higher education.

(4) \$280,000 of the general fund—state appropriation for fiscal year 1998 and \$280,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for enrollment to implement RCW 28B.80.570 through 28B.80.585 (rural natural resources impact areas). The number of students served shall be 50 full-time equivalent students per fiscal year. The board shall ensure that enrollments reported under this subsection meet the criteria outlined in RCW 28B.80.570 through 28B.80.585.

(5) \$70,000 of the general fund—state appropriation for fiscal year 1998 and \$70,000 of the general fund—state appropriation for fiscal year 1999 are provided

to develop a competency based admissions system for higher education institutions. The board shall complete the competency based admissions system and issue a report outlining the competency based admissions system by January 1999.

(6) \$500,000 of the general fund—state appropriation for fiscal year 1998 and \$500,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for activities related to higher education facilities planning, project monitoring, and access issues related to capital facilities. Of this amount, \$50,000 is provided for a study of higher education needs of Okanogan county and surrounding communities with consideration given to alternative approaches to educational service delivery, facility expansion, relocation or partnership, and long-term growth and future educational demands of the region.

(7) \$150,000 of the general fund—state appropriation for fiscal year 1998 is provided solely as one-time funding for computer upgrades.

(8) \$75,000 of the general fund—state appropriation for fiscal year 1998 and \$175,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to conduct a higher education and economic assessment of the Spokane area as described in Substitute Senate Bill No. 6655.

(9) \$810,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to complete the cooperative library project for the four-year public higher education institutions. Funds shall be transferred to the University of Washington for one-time equipment acquisition, ongoing support of the system, and acquisition of shared electronic journals for use by all the member institutions.

~~(10) ((\$1,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Durbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8), as referenced in section 707(1)(e) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

~~—(11)) \$3,000 of the general fund—state appropriation for fiscal year 1999 is provided solely to pay the increased employer funding rate resulting from the settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1), as referenced in section 707(1)(d) of this act. If the stipulated settlement is not approved by the court by August 1, 1998, the amount provided in this subsection shall lapse.~~

**Sec. 1610. 1998 c 346 s 611 (uncodified) is amended to read as follows:
FOR THE HIGHER EDUCATION COORDINATING BOARD—
FINANCIAL AID AND GRANT PROGRAMS**

General Fund—State Appropriation (FY 1998)	\$	89,606,000
General Fund—State Appropriation (FY 1999)	\$	97,232,000
General Fund—Federal Appropriation	\$	8,278,000
Advanced College Tuition Payment Program Account Appropriation	\$	((1,198,000))

	<u>1,670,000</u>
TOTAL APPROPRIATION	\$ ((196,314,000))
	<u>196,786,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$527,000 of the general fund—state appropriation for fiscal year 1998 and \$526,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the displaced homemakers program.

(2) \$216,000 of the general fund—state appropriation for fiscal year 1998 and \$220,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the western interstate commission for higher education.

(3) \$118,000 of the general fund—state appropriation for fiscal year 1998 and \$118,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the health personnel resources plan.

(4) \$1,000,000 of the general fund—state appropriation for fiscal year 1998 and \$1,000,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the scholarships and loans program under chapter 28B.115 RCW, the health professional conditional scholarship program. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(5) \$86,783,000 of the general fund—state appropriation for fiscal year 1998 and \$93,728,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for student financial aid, including all administrative costs. The amounts in (a), (b), and (c) of this subsection are sufficient to implement Second Substitute House Bill No. 1851 (higher education financial aid). Of these amounts:

(a) \$67,266,000 of the general fund—state appropriation for fiscal year 1998 and \$73,968,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(b) \$15,350,000 of the general fund—state appropriation for fiscal year 1998 and \$15,350,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program;

(c) \$2,420,000 of the general fund—state appropriation for fiscal year 1998 and \$2,420,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for educational opportunity grants. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington;

(d) A maximum of 2.1 percent of the general fund—state appropriation for fiscal year 1998 and 2.1 percent of the general fund—state appropriation for fiscal

year 1999 may be expended for financial aid administration, excluding the four percent state work study program administrative allowance provision;

(e) \$230,000 of the general fund—state appropriation for fiscal year 1998 and \$201,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for the educator's excellence awards. Any educator's excellence moneys not awarded by April 1st of each year may be transferred by the board to either the Washington scholars program or, in consultation with the workforce training and education coordinating board, to the Washington award for vocational excellence;

(f) \$1,011,000 of the general fund—state appropriation for fiscal year 1998 and \$1,265,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or, in consultation with the workforce training and education coordinating board, to the Washington award for vocational excellence;

(g) \$456,000 of the general fund—state appropriation for fiscal year 1998 and \$474,000 of the general fund—state appropriation for fiscal year 1999 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to either the educator's excellence awards or the Washington scholars program;

(h) \$51,000 of the general fund—state appropriation for fiscal year 1998 and \$51,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. No organization may receive more than one \$2,000 matching grant; and

(6) \$412,000 of the general fund—state appropriation for fiscal year 1998 and \$1,198,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for working capital for the advanced tuition payment program. The funds provided in this subsection may be expended only to the extent that revenue from application fees and interest earnings deposited in the advanced college tuition payment program account are insufficient to support program operation. Prior to the end of fiscal year 1999, expenditures shall be transferred between funds to the extent that program application fees and interest earnings are available to minimize the expenditure from the general fund.

(7) \$187,000 of the general fund—state appropriation for fiscal year 1998 and \$188,000 of the general fund—state appropriation for fiscal year 1999 are provided solely for a demonstration project in the 1997-99 biennium to provide undergraduate fellowships based upon the graduate fellowship program.

(8) Funding is provided in this section for the development of three models for tuition charges for distance learning programs. Institutions involved in distance

education or extended learning shall provide information to the board on the usage, cost, and revenue generated by such programs.

**PART XVII
SPECIAL SUPPLEMENTAL APPROPRIATIONS**

Sec. 1701. 1998 c 346 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST,
AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL FUND BOND DEBT**

General Fund Appropriation (FY 1998)	\$	448,355,000
General Fund Appropriation (FY 1999)	\$	((484,005,000))
		<u>478,444,000</u>
 General Fund Bonds Subject to the Limit Bond		
Retirement Account Appropriation	\$	((932,360,000))
		<u>926,799,000</u>
TOTAL APPROPRIATION	\$	((1,864,720,000))
		<u>1,853,598,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the general fund bonds subject to the limit bond retirement account.

Sec. 1702. 1998 c 346 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST,
AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS
PRESCRIBED BY STATUTE**

General Fund Appropriation (FY 1998)	\$	23,186,000
General Fund Appropriation (FY 1999)	\$	((25,642,000))
		<u>25,626,000</u>
 General Fund Bonds Excluded from the Limit		
Bond Retirement Account Appropriation	\$	((48,828,000))
		<u>48,812,000</u>
 Reimbursable Bonds Excluded from the Limit Bond		
Retirement Account Appropriation	\$	104,933,000
 Reimbursable Bonds Subject to the Limit Bond		
Retirement Account Appropriation	\$	2,264,000
TOTAL APPROPRIATION	\$	((204,853,000))
		<u>204,821,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the general fund bonds excluded from the limit bond retirement account.

NEW SECTION. **Sec. 1703.** A new section is added to 1997 c 149 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—AGRICULTURAL COLLEGE TRUST LANDS. The sum of twenty million dollars is appropriated from the general fund for fiscal year 1999 to the office of financial management for settlement of claims relating to moneys used by the department of natural resources for management of the agricultural college trust lands. A settlement agreement shall be executed by June 30, 1999, between the office of financial management and Washington State University that results in the release by Washington State University of any and all claims against the state of Washington and the department of natural resources pertaining to any past use of agricultural college trust land revenues for payment of expenses of management or administration of that trust. The settlement agreement shall reflect:

(1) This initial deposit of twenty million dollars in state general funds within five business days of the execution of the settlement agreement into the agricultural permanent fund;

(2) A total settlement amount of thirty-six million dollars; and

(3) Payment of the remaining sixteen million dollar balance no later than June 30, 2005, so that the final amount reaches the total of thirty-six million dollars and payment is made at a rate sufficient to provide debt service on the bonds authorized for Washington State University under section 4(4) of Substitute House Bill No. 1166.

If such release is not executed by June 30, 1999, the appropriation in this section shall lapse.

NEW SECTION. Sec. 1704. A new section is added to 1997 c 149 (uncodified) to read as follows:

FOR THE DISASTER RESPONSE ACCOUNT. The sum of three million dollars is appropriated for the fiscal year ending June 30, 1999, from the general fund to the disaster response account for the purpose of creating a contingency pool to fund fire-related costs. Allocations may be provided from the disaster response account for fire mobilization costs or fire suppression costs in excess of the amounts appropriated for these purposes.

NEW SECTION. Sec. 1705. A new section is added to 1997 c 149 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—FIRE-RELATED CONTINGENCY COSTS. The sum of three million dollars is appropriated from the disaster response account for the purpose of making allocations for fire mobilization costs or fire suppression costs in excess of the amounts appropriated for these purposes.

NEW SECTION. Sec. 1706. A new section is added to 1997 c 149 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGES CAPITAL PROJECTS ACCOUNT. The sum of thirty million dollars is appropriated for the fiscal year ending June 30, 1999, from the general fund to the community and

technical colleges capital projects account for system-wide minor repairs and replacement of portable buildings.

NEW SECTION. Sec. 1707. A new section is added to 1997 c 149 (uncodified) to read as follows:

FOR THE FAIR FUND. The sum of six million dollars is appropriated for the fiscal year ending June 30, 1999, from the general fund to the fair fund for the purposes set forth under RCW 15.76.115. Of this amount, up to two million dollars shall be allotted from the fair fund for each of the fiscal years ending June 30, 1999, June 30, 2000, and June 30, 2001.

NEW SECTION. Sec. 1708. A new section is added to 1997 c 149 (uncodified) to read as follows:

FOR THE DEVELOPMENTAL DISABILITIES ENDOWMENT TRUST FUND. The sum of five million dollars is appropriated for the fiscal year ending June 30, 1999, from the general fund to the developmental disabilities endowment trust fund, solely for implementation of sections 4, 5, and 7 of Substitute Senate Bill No. 5693. If sections 4, 5, and 7 of the bill are not enacted by June 30, 1999, the amount appropriated in this section shall lapse.

Sec. 1709. 1998 c 346 s 704 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—YEAR 2000 ALLOCATIONS

General Fund—Federal Appropriation	\$	2,883,000
Liquor Revolving Account Appropriation	\$	131,000
Health Care Authority Administrative Account Appropriation	\$	631,000
Accident Account Appropriation	\$	1,102,000
Medical Aid Account Appropriation	\$	1,102,000
Unemployment Compensation Administration Account— Federal Appropriation	\$	1,313,000
Employment Services Administrative Account Appropriation	\$	461,000
Forest Development Account Appropriation	\$	156,000
Off Road Vehicle Account Appropriation	\$	7,000
Surveys and Maps Account Appropriation	\$	1,000
Aquatic Lands Enhancement Account Appropriation . . .	\$	8,000
Resource Management Cost Account Appropriation	\$	348,000
TOTAL APPROPRIATION	\$	8,143,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations will be allocated by the office of financial management to agencies to complete Year 2000 date conversion maintenance on their computer systems. Agencies shall submit their estimated costs of conversion to the office of financial management by July 1, 1997.

(2) Up to \$10,000,000 of the cash balance of the data processing revolving account may be expended on agency Year 2000 date conversion costs, embedded chips, and contingency activities. The \$10,000,000 will be taken from the cash balances of the data processing revolving account's two major users, as follows: \$7,000,000 from the department of information services and \$3,000,000 from the office of financial management. The office of financial management in consultation with the department of information services shall allocate these funds as needed to complete the date conversion projects.

(3) Agencies receiving these allocations shall report at a minimum to the information services board and to the governor every six months on the progress of Year 2000 maintenance efforts.

Sec. 1710. 1998 c 346 s 705 (uncodified) is amended to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT—YEAR 2000 CONVERSION

General Fund Appropriation (FY 1998)	\$	233,000
General Fund Appropriation (FY 1999)	\$	33,000
Hospital Commission Account Appropriation	\$	115,000
Architects' License Account Appropriation	\$	3,000
Professional Engineers' Account Appropriation	\$	9,000
Real Estate Commission Account Appropriation	\$	24,000
Health Professions Account Appropriation	\$	275,000
Master License Account Appropriation	\$	70,000
Safe Drinking Water Account Appropriation	\$	50,000
Uniform Commercial Code Account Appropriation	\$	11,000
Unemployment Compensation Administration Account— Federal Appropriation	\$	3,245,000
Department of Retirement Systems Expense Account Appropriation	\$	890,000
Health Services Account Appropriation	\$	254,000
TOTAL APPROPRIATION	\$	5,212,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations will be allocated by the office of financial management to agencies to perform Year 2000 date conversion maintenance on their computer systems, embedded chips, and contingency activities and are provided solely for these purposes.

(2) Agencies receiving these allocations shall report at a minimum to the information services board and to the governor every six months on the progress of Year 2000 maintenance efforts.

Sec. 1711. 1998 c 346 s 706 (uncodified) is amended to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT—YEAR 2000 CONTINGENCY POOL

General Fund Appropriation (FY 1998)	\$	800,000
General Fund Appropriation (FY 1999)	\$	4,200,000
Year 2000 Contingency Revolving Account		
Appropriation	\$	5,000,000
TOTAL APPROPRIATION	\$	10,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations will be allocated by the office of financial management, in consultation with the department of information systems or the department of general administration, to agencies to perform Year 2000 maintenance on their computer systems, embedded chips, and contingency activities and are provided solely for these purposes.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the Year 2000 contingency revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management for additional Year 2000 maintenance on their computer systems.

(3) All agencies that receive these allocations will report upon request throughout the biennium to the information services board and to the governor on the progress of Year 2000 maintenance efforts.

Sec. 1712. 1998 c 346 s 707 (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPENSATION—INSURANCE BENEFITS

General Fund—State Appropriation (FY 1998)	\$	823,000
General Fund—State Appropriation (FY 1999)	\$	((8,355,000))
		<u>8,025,000</u>
General Fund—Federal Appropriation	\$	((3,152,000))
		<u>3,039,000</u>
General Fund—Private/Local Appropriation	\$	((190,000))
		<u>183,000</u>
Salary and Insurance Increase Revolving Account		
Appropriation	\$	((7,081,000))
		<u>6,827,000</u>
TOTAL APPROPRIATION	\$	((19,601,000))
		<u>18,897,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums shall not exceed \$312.35 per eligible employee for fiscal year 1998, and \$331.31 for fiscal year 1999.

(b) The monthly employer funding rate for the operating costs of the health care authority shall not exceed \$4.99 per eligible employee for fiscal year 1998, and \$4.67 for fiscal year 1999.

~~(c) ((An additional \$1.12 per eligible employee shall be included in the employer funding rate for fiscal year 1999 to increase life insurance coverage in accordance with the stipulated settlement in *Durbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8). \$330,000 of the fiscal year 1999 general fund—state appropriation, \$113,000 of the general fund—federal appropriation, \$7,000 of the general fund—private/local appropriation, and \$254,000 of the salary and insurance increase revolving account appropriation are provided solely for the additional \$1.12 employer funding rate. If the stipulated settlement is not approved by August 1, 1998, these amounts shall lapse.~~

~~—(d)) An additional \$5.77 per eligible employee shall be included in the employer funding rate for fiscal year 1999 to begin repaying the public employees' and retirees' insurance account for any claims paid as a result of a court-approved stipulated settlement in *Retired State Employees et al. v. State of Washington* (Thurston county superior court cause no. 92-2-01294-1). \$1,768,000 of the fiscal year 1999 general fund—state appropriation, \$608,000 of the general fund—federal appropriation, \$37,000 of the general fund—private/local appropriation, and \$1,362,000 of the salary and insurance increase revolving account appropriation are provided solely for the additional \$5.77 employer funding rate. If the stipulated settlement is not approved by August 1, 1998, these amounts shall lapse.~~

~~((e)) (d) Surplus moneys accruing to the public employees' and retirees' insurance account due to lower-than-projected insurance costs may not be reallocated by the health care authority to increase the actuarial value of public employee insurance plans. Such funds shall be held in reserve in the public employees' and retirees' insurance account and may not be expended without prior legislative authorization.~~

~~((f)) (e) In order to achieve the level of funding provided for health benefits, the public employees' benefits board may require employee premium co-payments, increase point-of-service cost sharing, and/or implement managed competition.~~

~~(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.~~

~~(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 1998, through December 31, 1998, the subsidy shall be \$41.26 per month. Starting January 1, 1999, the subsidy shall be \$43.16 per month.~~

~~(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120:~~

~~(a) For each full-time employee, \$14.80 per month beginning September 1, 1997;~~

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$14.80 each month beginning September 1, 1997, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 1997-99 transportation appropriations act.

Sec. 1713. 1998 c 346 s 710 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD

General Fund—State Appropriation (FY 1998)	\$	5,289,000
General Fund—State Appropriation (FY 1999)	\$	10,642,000
General Fund—Federal Appropriation	\$	((2,777,000))
		<u>2,803,000</u>
Salary and Insurance Increase Revolving		
Account Appropriation	\$	((6,085,000))
		<u>6,059,000</u>
TOTAL APPROPRIATION	\$	24,793,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations in this section.

(1) Funding is provided to fully implement the recommendations of the Washington personnel resources board consistent with the provisions of chapter 319, Laws of 1996.

(2) Implementation of the salary adjustments for the various clerical classes, physicians, dental classifications, pharmacists, maintenance custodians, medical records technicians, fish/wildlife biologists, fish/wildlife enforcement, habitat technicians, and fiscal technician classifications will be effective July 1, 1997. Implementation of the salary adjustments for safety classifications, park rangers, park aides, correctional officers/sergeants, community corrections specialists, tax information specialists, industrial relations specialists, electrical classifications at the department of labor and industries, fingerprint technicians, some labor relations classifications, health benefits specialists, foresters/land managers, and liquor enforcement officers will be effective July 1, 1998.

Sec. 1714. 1997 c 149 s 713 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The ~~((appropriations))~~ state contributions to the law enforcement officers' and fire fighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund Appropriation (FY 1998)	\$	68,350,000
General Fund Appropriation (FY 1999)	\$	((72,750,000))
		<u>71,350,000</u>

Of the appropriations in this subsection, \$50,000 of the general fund fiscal year 1998 appropriation and \$50,000 of the general fund fiscal year 1999 appropriation are provided solely for House Bill No. 1099 (LEOFF retirement plan 1). If the bill is not enacted by June 30, 1997, these amounts shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund Appropriation (FY 1998)	\$	8,500,000
General Fund Appropriation (FY 1999)	\$	8,500,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund Appropriation (FY 1998)	\$	750,000
General Fund Appropriation (FY 1999)	\$	750,000
TOTAL APPROPRIATION	\$	((159,600,000))
		<u>158,200,000</u>

NEW SECTION. Sec. 1715. A new section is added to 1997 c 149 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

(a) Heather S. Lausten, claim number SCJ 98-02	\$	2,089
(b) Michael A. McGee, claim number SCJ 98-03	\$	10,364
(c) Arthur Watkins, claim number SCJ 98-05	\$	2,767
(d) Lukes Markishtum, claim number SCJ 98-06	\$	3,832
(e) Francesco Cozza, claim number SCJ 98-07	\$	10,862
(f) Jason Brown, claim number SCJ 98-08	\$	21,093
(g) Darius Deshields, claim number SCJ 98-10	\$	4,000
(h) Justin D. Rogers, claim number SCJ 98-11	\$	52,114
(i) Justin Anderson, claim number SCJ 98-12	\$	3,769
(j) R. L. Heavenlo, claim number SCJ 98-13	\$	2,145
(k) James A. Patten, claim number SCJ 98-14	\$	6,963
(l) Robert S. Cain, claim number SCJ 98-15	\$	2,169

(m) Jason Near, claim number SCJ 98-16	\$	4,304
(n) Michael Fontana, claim number SCJ 98-17	\$	3,201
(o) Hillel Schwartz, claim number SCJ 98-18	\$	5,758
(p) Thomas H. Von Muller, claim number SCJ 99-01	\$	17,941
(q) Dean Montgomery, claim number SCJ 99-03	\$	2,432
(r) Douglas H. Jones, claim number SCJ 99-05	\$	17,116
(s) Jack Zimmerman; George A. Bomar; George W. Bomar, claim number SCJ 99-06	\$	9,718
(t) Vicki Polanco, claim number SCJ 99-04	\$	5,552
(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.040:		
(a) Gordon Sylvester, claim number SCG 98-03	\$	6,925
(b) Northwestern Fruit & Produce Company, claim number SCG 99-01	\$	30,040

Sec. 1716. 1998 c 346 s 714 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation \$ 480,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The amount appropriated in this section shall be distributed ((in accordance with RCW 82.14.320)) to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. \$240,000 of the appropriation shall be distributed in January 1999 and the remaining \$240,000 of the appropriation shall be distributed in April 1999. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to, Substitute House Bill No. 2885 (drunk driving penalties), Second Substitute House Bill No. 3070 (DUI penalties), Second Substitute House Bill No. 3089 (deferred prosecution), Engrossed Senate Bill No. 6142 (DUI/license suspension), Engrossed Substitute Senate Bill No. 6165 (ignition interlock violations), Engrossed Substitute Senate Bill No. 6166 (DUI penalties), Engrossed Substitute Senate Bill No. 6187 (DUI penalties), Engrossed Senate Bill No. 6257 (intoxication levels lowered), and Engrossed Second Substitute Senate Bill No. 6293 (DUI penalties).

(2) To implement the 1999 amendments to this section, the state treasurer shall determine the amount of the April 1999 distribution to each city in the following manner:

(a) The state treasurer shall determine the amount of the total appropriation that would have been distributed to each city if both the January 1999 and April 1999 distributions were made ratably based on population:

(b) The state treasurer shall deduct from the amounts calculated under (a) of this subsection the amount received by each city in the January 1999 distribution;

(c) The amount to be distributed to each city shall be the amount calculated under subsection (b) of this section if that amount is greater than zero; and

(d) If the appropriation in this section is inadequate to distribute the amounts calculated under (c) of this subsection, the amounts distributed to each city shall be ratably reduced.

(3) If this section is enacted after the state treasurer transmits the April 1999 distribution data to the banks, then the state treasurer shall adjust the amount distributed based on subsection (2) of this section by June 30, 1999.

PART XVIII

OTHER SUPPLEMENTAL TRANSFERS AND APPROPRIATIONS

Sec. 1801. 1998 c 346 s 801 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums distribution	\$	((6,617,250))	<u>5,645,404</u>
General Fund Appropriation for public utility district excise tax distribution	\$	((35,183,803))	<u>32,201,185</u>
General Fund Appropriation for prosecuting attorneys salaries	\$	((2,960,000))	<u>2,879,908</u>
General Fund Appropriation for motor vehicle excise tax distribution	\$	((84,721,573))	<u>60,839,289</u>
<u>City Police and Fire Protection Assistance Account</u>			
<u>Appropriation</u>	\$		<u>23,882,284</u>
General Fund Appropriation for local mass transit assistance	\$	((383,208,166))	<u>284,666,379</u>
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((3,904,937))	<u>3,779,292</u>
General Fund Appropriation for boating safety/education and law enforcement distribution	\$	((3,616,000))	<u>3,750,381</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	((142,000))	<u>152,342</u>
Liquor Excise Tax Account Appropriation for liquor			

excise tax distribution	\$	((22,287,746))
		<u>24,134,742</u>
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	((36,989,000))
		<u>50,199,076</u>
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	((107,146,000))
		<u>85,930,224</u>
Municipal Sales and Use Tax Equalization Account Appropriation	\$	((66,860,014))
		<u>67,308,480</u>
County Sales and Use Tax Equalization Account Appropriation	\$	((11,843,224))
		<u>11,183,832</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	((1,266,000))
		<u>1,365,401</u>
County Criminal Justice Account Appropriation	\$	81,354,471
Municipal Criminal Justice Account Appropriation	\$	32,522,450
County Public Health Account Appropriation	\$	((44,279,086))
		<u>49,012,899</u>
TOTAL APPROPRIATION	\$	((924,901,720))
		<u>820,808,039</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1802. 1998 c 346 s 802 (uncodified) is amended to read as follows:

WILDLIFE ACCOUNT LOAN. On June 30, 1998, the state treasurer shall lend three million five hundred thousand dollars from the state general fund to the wildlife account. Expenditure of funds is dependent upon the following conditions:

(1) By April 17, 1998, the department of fish and wildlife shall submit an expenditure reduction plan for the 1997-99 biennium for the state wildlife account to the office of financial management, the senate ways and means committee, and the house of representatives appropriations committee. The plan shall specify positions to be eliminated by program. The reductions shall be limited to activities currently funded by the wildlife account.

(2) By April 17, 1998, the department of fish and wildlife shall submit a list of properties proposed for sale, with a site description of each property, to the office of financial management, the senate ways and means committee, and the house of representatives appropriations committee.

(3) Beginning with the fourth quarter of fiscal year 1998, the department of fish and wildlife shall submit quarterly revenue and expenditure reports for the wildlife account to the office of financial management, the senate ways and means committee, and the house of representatives appropriations committee.

(4) The department of fish and wildlife shall develop, with the office of financial management and the department of revenue, a model for forecasting revenues to the state wildlife account. This forecast shall be incorporated into the quarterly revenue and expenditure reports.

(5) By ~~((November 1, 1998))~~ June 30, 1999, the department of fish and wildlife shall submit a six-year financial plan for the state wildlife account for fiscal years 1999-05 to the office of financial management, the senate ways and means committee, and the house of representatives appropriations committee. The plan shall include repayment of this loan by June 30, 2001.

Failure to comply with the terms and conditions of this section shall cause the loan to be immediately payable.

Sec. 1803. 1997 c 149 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest	
reserve fund distribution	\$ ((58,801,910))
	<u>56,515,669</u>
General Fund Appropriation for federal flood control	
funds distribution	\$ 4,000
General Fund Appropriation for federal grazing fees	
distribution	\$ ((52,000))
	<u>22,102</u>
General Fund Appropriation for distribution of	
federal funds to counties in conformance with	
P.L. 97-99 Federal Aid to Counties	\$ ((885,916))
	<u>1,629,491</u>
TOTAL APPROPRIATION	\$ ((59,743,826))
	<u>58,171,262</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1804. 1998 c 346 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund: For transfer to the Water Quality	
Account	\$ ((28,595,900))
	<u>29,379,600</u>
General Fund: For transfer to the Flood Control	
Assistance Account	\$ 4,000,000

State Convention and Trade Center Account: For transfer to the State Convention and Trade Center Operations Account	\$	((3,877,000))
		0
Water Quality Account: For transfer to the Water Pollution Control Account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit	\$	21,688,000
State Treasurer's Service Account: For transfer to the general fund on or before June 30, 1999 an amount up to \$3,600,000 in excess of the cash requirements of the State Treasurer's Service Account	\$	3,600,000
Public Works Assistance Account: For transfer to the Drinking Water Assistance Account	\$	9,949,000
County Sales and Use Tax Equalization Account: For transfer to the County Public Health Account	\$	((2,191,498))
		<u>2,146,222</u>
<u>Local Toxics Control Account: For transfer to the state toxics control account on or before June 30, 1999, an amount up to \$2,500,000. The exact amount transferred shall be determined by the office of financial management, dependent on whether the June 1999 department of revenue forecast for the state toxics control account identifies revenue that, when combined with the fund balance, are sufficient to support the 1999-01 budget as enacted by the legislature. This transfer is intended as a loan, to be repaid by June 30, 2001</u>	<u>\$</u>	<u>2,500,000</u>

**PART XIX
SUPPLEMENTAL MISCELLANEOUS**

Sec. 1901. 1998 c 347 s 53 (uncodified) is amended to read as follows:
ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available,

including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

(a) Enter into a financing contract in the amount of \$8,804,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by the department of social and health services.

(b) Enter into a financing contract in the amount of \$2,874,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase and renovate the old federal building and associated land in Olympia for use by the secretary of state.

(c) Enter into a financing contract in the amount of \$6,990,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to buy out the lease and make improvements to the old Thurston county courthouse for use by the office of attorney general. The department of general administration shall advise and assist the office of attorney general on space and functional planning to improve the efficient use of the facility.

(2) Liquor control board:

Enter into a long-term lease for a headquarters office in Thurston County for approximately 46,000 square feet.

(3) Department of corrections:

(a) Enter into a long-term ground lease (~~for 17 acres in the Tacoma tide flats property from the Puyallup Nation~~) or a long-term lease with a purchase option for development of the ((400-bed)) Tacoma prerelease facility for approximately \$360,000 per annum. (~~Prior to entering into the lease, the department shall obtain written confirmation from the city of Tacoma and Pierce county that the prerelease facility planned for the site meets all land use, environmental protection, and community notification requirements that would apply to the facility if the land was not owned by the Puyallup nation.~~)

(b) Enter into a financing contract on behalf of the department of corrections in the amount of \$14,736,900 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a 400-bed Tacoma prerelease facility. The department of corrections shall comply with all land use, environmental

protection, and community notification statutes, regulations, and ordinances in the construction and operation of this facility.

(c) Lease-develop with the option to purchase or lease-purchase approximately 100 work release beds in facilities throughout the state for \$5,000,000.

(d) Enter into a financing contract on behalf of the department of corrections in the amount of \$396,369 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a dairy barn at the Monroe farm.

(e) Enter into a financing contract on behalf of the department of corrections in the amount of \$2,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Whateom Community College in the amount of \$800,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a childcare center costing \$2,410,000. The balance of project cost will be a combination of local capital funds and nonstate funds provided through private gifts or contributions.

(b) Enter into a financing contract on behalf of Pierce College in the amount of \$750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a new classroom building on the Lakewood campus costing \$1,816,665. The balance of project cost will be provided through a combination of local capital funds and existing minor works appropriation to replace relocatable classrooms that are at the end of their useful lives.

(c) Enter into a financing contract in behalf of Bellingham Technical College in the amount of \$350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for construction of a new classroom addition to the diesel/heavy equipment instructional shop costing \$411,309.

(d) Enter into a financing contract on behalf of Green River Community College in the amount of \$1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building.

(e) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$2,787,950 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a 10,000 square foot music building on the college campus.

(f) Enter into a financing contract on behalf of Highline Community College in the amount of \$2,070,613 plus financing and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college.

(g) Enter into a financial contract on behalf of Green River Community College in the amount of \$100,000 plus financing and required reserves pursuant to chapter 39.94 RCW to purchase approximately 1.5 acres of land adjacent to the westside parking lot.

(h) Enter into a financial contract on behalf of South Puget Sound Community College in the amount of \$619,210 plus financing and required reserves pursuant to chapter 39.94 RCW to expand and redevelop the main campus parking lot A.

(i) Enter into a financial contract on behalf of South Puget Sound Community College in the amount of \$5,500,000 plus financing and required reserves pursuant to chapter 39.94 RCW to develop a \$6,500,000 student union facility.

(j) Enter into a financial contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(5) State parks and recreation:

Enter into a financing contract on behalf of state parks and recreation in the amount of \$2,012,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to construct cabin and lodge facilities at Cama Beach, develop new campsite electrical hookups, develop new recreational facilities, and expand campsites at Ocean Beach/Grayland. It is the intent of the legislature that debt service on all projects financed under this authority be paid from operating revenues.

(6) Washington state patrol:

Enter into a financing contract for \$600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the Washington state patrol Port Angeles detachment office.

Sec. 1902. RCW 72.09.050 and 1995 c 189 s 1 are each amended to read as follows:

The secretary shall manage the department of corrections and shall be responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons. In addition, the secretary shall have broad powers to enter into agreements with any federal agency, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. Such agreements for counties with local law and justice councils shall be required in the local law and justice plan pursuant to RCW 72.09.300. The agreements may provide for joint operation or operation by the department of corrections, alone, for by any of the other governmental entities, alone. Beginning February 1, 1999, the secretary may expend funds appropriated for the 1997-1999 biennium to enter into agreements with any local government or private organization in any other state, providing for the operation of any correctional facility or program for persons convicted of felonies. The secretary may employ persons to aid in performing the functions and duties of the department. The secretary may delegate any of his or her functions or duties to department employees, including the authority to certify and maintain custody of records and documents on file with the department. The secretary is authorized to

promulgate standards for the department of corrections within appropriation levels authorized by the legislature.

Pursuant to the authority granted in chapter 34.05 RCW, the secretary shall adopt rules providing for inmate restitution when restitution is determined appropriate as a result of a disciplinary action.

**PART XX
SEVERABILITY AND EFFECTIVE DATES**

NEW SECTION. Sec. 2001. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 2002. (1) Sections 927, 928, 931, and sections 1101 through 1902 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Section 929 of this act takes effect September 1, 2000.

NEW SECTION. Sec. 2003. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999, except as provided in section 2002 of this act.

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Passed the Senate April 25, 1999.
Passed the House April 25, 1999.
Approved by the Governor May 14, 1999, with the exception of certain items
that were vetoed.
Filed in Office of Secretary of State May 14, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 124(3); 205(3)(b); 210(14); 502(10); and 722, Engrossed Substitute Senate Bill No. 5180 entitled:

"AN ACT Relating to fiscal matters;"

Engrossed Substitute Senate Bill No. 5180 is the state operating budget for the upcoming biennium. I disagree with some sections and have vetoed them for the following reasons:

Section 124 (3), page 15, Review of Ecology Policy and Guidelines (Office of the Attorney General)

This provision would require the state Attorney General to conduct a review of the policies, practices, and guidelines employed by the Department of Ecology in researching, analyzing, and issuing a certification under the authority of the federal Water Pollution Control Act for the proposed regional landfill in Pierce County. The findings of this review would be reported to the Legislature by December 1, 1999.

The Attorney General has asked for a veto of this subsection, citing the agency's statutory role as one of legal advice and representation, not performance audits or policy reviews. I agree that this provision is inconsistent with the principal role and mission of the Attorney General's Office.

Section 205 (3)(b), pages 43-44, Civil Commitment Legal Costs (Department of Social and Health Services—Mental Health Program, Civil Commitment Center)

This subsection would require that the Department of Social and Health Services (DSHS) implement strategies for limiting the average cost of civil commitment trials and annual court reviews. If the cost containment strategies were not effective, the DSHS would be directed to pay only 85 percent of allowable billed charges for all legal services except those provided by the Attorney General. There are several problems with this proviso. First, this limitation would not provide adequately for defense of sexually violent predators, increasing the chance of adverse court findings. Second, since the proviso would not apply to the Attorney General, it is expected that workload would be transferred from the county prosecutors to the Attorney General at a rate that would exceed what could be absorbed. Third, the proviso would place a responsibility for controlling costs on DSHS, while placing the sanction with the county prosecutors and defenders.

Section 210 (14), page 54, Chiropractic Services (Department of Social and Health Services—Medical Assistance Program)

This subsection would require that the Medical Assistance program provide, within existing funds, chiropractic services for all people qualifying for medical assistance services under chapter 74.09 RCW. No additional appropriation authority was included for these services. Without additional funds, the Medical Assistance program would have a \$3.8 million General Fund-State shortfall to implement this proviso. I cannot support agency requirements of this magnitude that are clearly unfunded.

Section 502 (10), page 100, Increase in full-time equivalent student in basic education appropriation (Superintendent of Public Instruction—General Apportionment, Basic Education)

This subsection contains an error in the information on the percentage increase per full-time equivalent student used in the state basic education appropriation contained in

this act. The correct percentage increase from the 1998-99 school year to the 1999-00 school year is 4.0 percent, not 7.0 percent as stated in the bill. This subsection is not essential for the correct apportionment of levy equalization funding to school districts, and is eliminated at the request of the Senate Ways and Means Committee chair to avoid confusion regarding the intent of the Legislature with regard to levy base calculations and equalization funding. I urge the Legislature to correct this technical error at its earliest opportunity.

Section 722, pages 155-156, Pension Advisory Committee (Department of Retirement Systems)

This section would create a Pension Advisory Committee in the Department of Retirement Systems (DRS) comprised of active and retiree members of the retirement system, representatives from local government, and the directors of DRS and the Office of Financial Management. The committee would be charged with making recommendations to the legislature's Joint Committee on Pension Policy (JCPP) on major pension priorities and goals for the next five to ten years, proposals to promote equity between state pension systems, and a prioritized list of proposed pension system changes. While I agree with the need to focus on these issues, this effort would duplicate the very similar work performed by the JCPP, and adequate funding was not provided to respond to the magnitude of the task.

Other Comments

Section 206(1)(b) provides \$16 million in new funds to enhance developmental disabilities services. This section references the stakeholder work group that was created in statute to develop recommendations on future directions and strategies for service delivery improvement. I am directing the Department of Social and Health Services to implement this subsection giving significant consideration to the priorities that were established by the stakeholder work group in meetings over the past year. After the Department has developed its plan for the use of these new funds, it should present the plan to the stakeholder work group and consider any new advice the group might provide before making fund allocations from this subsection.

Section 222(2)(a) authorizes the Department of Corrections to expend up to \$3.0 million to support county drug courts. I have concerns with this language because no additional funding was provided. I also recognize the value of, and support the concept of drug courts. Therefore, I am directing the Department of Corrections and the Department of Social and Health Services to work together to develop a plan to provide temporary funding in fiscal year 2000 for existing drug courts whose federal funds are lapsing. This plan will give the county drug courts one year to develop other funding sources to continue these valuable programs.

With the exception of sections 124(3); 205(3)(b); 210(14); 502(10); and 722, Engrossed Substitute Senate Bill No. 5180 is approved."

CHAPTER 310

[Engrossed House Bill 1014]

PERSONAL FLOTATION DEVICES—CHILDREN

AN ACT Relating to personal flotation devices; amending RCW 88.12.115; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 88.12.115 and 1993 c 244 s 14 are each amended to read as follows:

(1) No person may operate or permit the operation of a vessel on the waters of the state without a personal flotation device on board for each person on the vessel. Each personal flotation device shall be in serviceable condition, of an appropriate size, and readily accessible.

(2) Except as provided in RCW 88.12.015, a violation of subsection (1) of this section is an infraction under chapter 7.84 RCW if the vessel is not carrying passengers for hire.

(3) A violation of subsection (1) of this section is a misdemeanor punishable under RCW 9.92.030, if the vessel is carrying passengers for hire.

(4) No person shall operate a vessel under nineteen feet in length on the waters of this state with a child twelve years old and under, unless the child is wearing a personal flotation device that meets or exceeds the United States coast guard approval standards of the appropriate size, while the vessel is underway. For the purposes of this section, a personal flotation device is not considered readily accessible for children twelve years old and under unless the device is worn by the child while the vessel is underway. The personal flotation device must be worn at all times by a child twelve years old and under whenever the vessel is underway and the child is on an open deck or open cockpit of the vessel. The following circumstances are excepted:

(a) While a child is below deck or in the cabin of a boat with an enclosed cabin;

(b) While a child is on a United States coast guard inspected passenger-carrying vessel operating on the navigable waters of the United States; or

(c) While on board a vessel at a time and place where no person would reasonably expect a danger of drowning to occur.

(5) Except as provided in RCW 88.12.015, a violation of subsection (4) of this section is an infraction under chapter 7.84 RCW. Enforcement of subsection (4) of this section by law enforcement officers may be accomplished as a primary action, and need not be accompanied by the suspected violation of some other offense.

Passed the House April 25, 1999.

Passed the Senate April 8, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 311

[Engrossed Substitute House Bill 2260]

TAX INCENTIVES—RURAL COUNTIES

AN ACT Relating to tax incentives in rural counties; amending RCW 82.14.370 and 82.14.380; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.62 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 82.08 RCW; creating new sections; repealing RCW 82.60.045 and 82.60.047; providing an effective date; providing expiration dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two

Washingtons: One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity.

PART I
LOCAL OPTION SALES AND USE TAX

Sec. 101. RCW 82.14.370 and 1998 c 55 s 6 are each amended to read as follows:

(1) The legislative authority of a (~~distressed~~) rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed (~~0.04~~) 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3) Moneys collected under this section shall only be used for the purpose of financing public facilities in rural counties. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county. In implementing this section, the county shall consult with cities, towns, and port districts located within the county. For the purposes of this section, "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "~~distressed~~) rural county" means a county (~~in which the average level of unemployment for the three years before the year~~

~~in which a tax is first imposed under this section exceeds the average state unemployment for those years by twenty percent)) with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.~~

PART II DISTRESSED COUNTY ASSISTANCE ACCOUNT

Sec. 201. RCW 82.14.380 and 1998 c 321 s 10 (Referendum Bill No. 49) are each amended to read as follows:

(1) The distressed county assistance account is created in the state treasury. Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. At such times as distributions are made under RCW 82.44.150, the state treasurer shall distribute the funds in the distressed county assistance account to each county imposing the sales and use tax authorized under RCW 82.14.370 as of January 1, 1999, in the same proportions as distributions of the tax imposed under RCW 82.14.370 for these counties for the previous quarter.

(2) Funds distributed from the distressed county assistance account shall be expended by the counties for criminal justice and other purposes.

PART III TECHNOLOGY-BASED BUSINESSES Software

NEW SECTION. Sec. 301. It is the intent of the legislature to attract and retain technology-based businesses in rural counties. Section 302 of this act provides a tax incentive to those businesses that develop or manufacture software and hardware in rural counties. Section 303 of this act provides a tax incentive to those businesses that are engaged in the business of providing technical support services from rural counties. Encouragement of these types of business will stimulate the information technology industry and be of benefit to the state economy in general. To further the impact and benefit of this program, this incentive is limited to those counties of the state that are characterized by unemployment or low income. The legislature finds that providing this targeted incentive will both increase its effectiveness and create a high technology work force in rural counties.

NEW SECTION. Sec. 302. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of manufacturing software or programming, as those terms are defined in this section.

(2) A person who partially or totally relocates a business from one rural county to another rural county is eligible for any qualifying new jobs created as a

result of the relocation but is not eligible to receive credit for the jobs moved from one county to the other.

(3)(a) To qualify for the credit, the qualifying activity of the person must be conducted in a rural county and the qualified employment position must be located in the rural county.

(b) If an activity is conducted both from a rural county and outside of a rural county, the credit is available if at least ninety percent of the qualifying activity takes place within a rural county. If the qualifying activity is a service taxable activity, the place where the work is performed is the place at which the activity is conducted.

(4)(a) The credit under this section shall equal one thousand dollars for each qualified employment position created after July 1, 1999, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to four years. The county must meet the definition of a rural county at the time the position is filled. If the county does not have a rural county status the following year or years, the position is still eligible for the remaining years if all other conditions are met.

(b) Credit may not be taken for hiring of persons into positions that exist before July 1, 1999. Credit is authorized for new employees hired for new positions created on or after July 1, 1999. New positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire. A business that is a sole proprietorship without any employees is equivalent to one employee position and this type of business is eligible to receive credit for one position.

(c) If a position is filled before July 1st, this position is eligible for the full yearly credit. If it is filled after June 30th, this position is eligible for half of the credit.

(d) A person that has engaged in qualifying activities in the rural county before the effective date of this section qualifies for the credit under this section for positions created and filled after the effective date of this section.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes information relating to description of qualifying activity engaged in the rural county and outside the rural county by the person as well as detailed records on positions and employees. The department shall, in consultation with a representative group of affected taxpayers, develop a method of segregating activity and related income so that those persons who engage in multiple activities can determine eligibility for credit under this section.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at

the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. A person is not eligible to receive a credit under this section if the person is receiving credit for the same position under chapter 82.62 RCW or RCW 82.04.44525 or is taking the credit under section 303 of this act. No refunds may be granted for credits under this section.

(8) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Number of positions for which credit is being claimed, type of position for which credit is being claimed, type of activity in which the person is engaged in the county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(9) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor for remaining periods in the five years only if the eligibility conditions of this section are met.

(10) As used in this section:

(a) "Manufacturing" means the same as "to manufacture" under RCW 82.04.120. Manufacturing includes the activities of both manufacturers and processors for hire.

(b) "Programming" means the activities that involve the creation or modification of software, as that term is defined in this chapter, and that are taxable as a service under RCW 82.04.290(2) or as a retail sale under RCW 82.04.050.

(c) "Qualifying activity" means manufacturing of software or programming.

(d) "Qualified employment position" means a permanent full-time position doing programming of software or manufacturing of software. This excludes administrative, professional, service, executive, and other similar positions. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee. Full-time means a position for at least thirty-five hours a week.

(e) "Rural county" means a county with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

(f) "Software" has the same meaning as defined in RCW 82.04.215.

(11) No credit may be taken or accrued under this section on or after January 1, 2004.

(12) This section expires December 31, 2003.

Help Desk Services

NEW SECTION. Sec. 303. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under this chapter for persons engaged in a rural county in the business of providing information technology help desk services to third parties.

(2) To qualify for the credit, the help desk services must be conducted from a rural county.

(3) The amount of the tax credit for persons engaged in the activity of providing information technology help desk services in rural counties shall be equal to one hundred percent of the amount of tax due under this chapter that is attributable to providing the services from the rural county. In order to qualify for the credit under this subsection, the county must meet the definition of rural county at the time the person begins to conduct qualifying business in the county.

(4) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. These records include information relating to description of activity engaged in a rural county by the person.

(5) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used is immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(6) The credit under this section may be used against any tax due under this chapter, but in no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds may be granted for credits under this section.

(7) A person taking tax credits under this section shall make an annual report to the department. The report shall be in a letter form and shall include the following information: Type of activity in which the person is engaged in the county, number of employees in the rural county, and how long the person has been located in the county. The report must be filed by January 30th of each year for which credit was claimed during the previous year.

(8) Transfer of ownership does not affect credit eligibility; however, the credit is available to the successor only if the eligibility conditions of this section are met.

(9) As used in this section:

(a) "Information technology help desk services" means the following services performed using electronic and telephonic communication:

(i) Software and hardware maintenance;

(ii) Software and hardware diagnostics and troubleshooting;

- (iii) Software and hardware installation;
- (iv) Software and hardware repair;
- (v) Software and hardware information and training; and
- (vi) Software and hardware upgrade.

(b) "Rural county" means a county with a population density of less than one hundred persons per square mile, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

(10) This section expires December 31, 2003.

NEW SECTION. Sec. 304. A new section is added to chapter 82.62 RCW to read as follows:

(1) A person is not eligible to receive a credit under this chapter if the person is receiving credit for the same position under section 303 of this act or RCW 82.04.44525.

(2) This section expires December 31, 2003.

NEW SECTION. Sec. 305. The following acts or parts of acts are each repealed:

(1) RCW 82.60.045 (Eligible projects—Additional requirements) and 1995 1st sp.s. c 3 s 7 & 1994 sp.s. c 1 s 4; and

(2) RCW 82.60.047 (Governor designation of county as eligible area—Natural disaster, business closure, military base closure, mass layoff) and 1994 sp.s. c 1 s 9.

PART IV ELECTRIC UTILITIES

NEW SECTION. Sec. 401. The legislature finds that it is necessary to employ multiple approaches to revitalize the economy of Washington state's rural areas. The legislature also finds that where possible, Washington state should develop programs which can complement other private, state, and federal programs. It is the intent of section 402 of this act to complement such rural economic development efforts by creating a public utility tax offset program to help establish locally based electric utility revolving fund programs to be used for economic development and job creation.

NEW SECTION. Sec. 402. A new section is added to chapter 82.16 RCW to read as follows:

(1) The following definitions apply to this section:

(a) "Qualifying project" means a project designed to achieve job creation or business retention, to add or upgrade nonelectrical infrastructure, to add or upgrade health and safety facilities, to accomplish energy and water use efficiency improvements, including renewable energy development, or to add or upgrade emergency services in any designated qualifying rural area.

(b) "Qualifying rural area" means:

(i) A rural county, which is a county with a population density of less than one hundred persons per square mile as determined by the office of financial management and published each year by the department for the period July 1st to June 30th; or

(ii) Any geographic area in the state that receives electricity from a light and power business with twelve thousand or fewer customers and with fewer than twenty-six meters per mile of distribution line as determined and published by the department of revenue effective July 1st of each year. The department shall use current data provided by the electricity industry.

(c) "Electric utility rural economic development revolving fund" means a fund devoted exclusively to funding qualifying projects in qualifying rural areas.

(d) "Local board" is a board of directors with at least, but not limited to, three members representing local businesses and community groups who have been appointed by the sponsoring electric utility to oversee and direct the activities of the electric utility rural economic development revolving fund.

(2) A light and power business with fewer than twenty-six active meters per mile of distribution line in any geographic area in the state shall be allowed a credit against taxes due under this chapter in an amount equal to fifty percent of contributions made in any calendar year directly to an electric utility rural economic development revolving fund. The credit shall be taken in a form and manner as required by the department. The credit under this section shall not exceed twenty-five thousand dollars per calendar year per light and power business. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one calendar year may not be used to earn a credit in subsequent years.

(3) The right to earn tax credits under this section expires December 31, 2005.

(4) To qualify for the credit in subsection (2) of this section, the light and power business shall establish an electric utility rural economic development revolving fund which is governed by a local board whose members shall reside in the qualifying rural area served by the light and power business. The local board shall have authority to determine all criteria and conditions for the expenditure of funds from the electric utility rural economic development fund, and for the terms and conditions of repayment.

(5) Any funds repaid to the electric utility rural economic development fund by recipients shall be made available for additional qualifying projects.

(6) If at any time the electric utility rural economic development fund is dissolved, any moneys claimed as a tax credit under this section shall either be granted to a qualifying project or refunded to the state within two years of termination.

(7) The total amount of credits that may be used in any fiscal year shall not exceed three hundred fifty thousand dollars in any fiscal year. The department

shall allow the use of earned credits on a first-come, first-served basis. Unused earned credits may be carried over to subsequent years.

**PART V
DISASTER VICTIMS' RELIEF**

NEW SECTION. Sec. 501. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of labor and services rendered in respect to:

(a) The moving of houses out of any landslide area that has been declared as a federal disaster area;

(b) The demolition of houses located in a landslide area that has been declared as a federal disaster area; or

(c) The removal of debris from a landslide area that has been declared as a federal disaster area.

(2) This section expires July 1, 2000.

**PART VI
MISCELLANEOUS**

NEW SECTION. Sec. 601. Part headings and subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 602. Section 501 of this act applies retroactively to March 1, 1998.

NEW SECTION. Sec. 603. Section 501 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 604. Sections 1, 101, 201, 301 through 305, 401, 402, 601, and 605 of this act take effect August 1, 1999.

NEW SECTION. Sec. 605. Section 305 of this act does not affect any existing right acquired or liability or obligation under the sections repealed in section 305 of this act or any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 606. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 24, 1999.

Passed the Senate April 23, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 312

[Substitute Senate Bill 5864]

LONG-TERM CARE FACILITIES--KITSON ACT

AN ACT Relating to allowing residents of long-term care facilities to return to their home; adding a new section to chapter 48.43 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that a long-term care facility is home for any individual who resides there, and the individual has the right to receive services in his or her own home and to be cared for by the organization with which he or she has a contractual agreement to provide housing and related services. The legislature further finds that restricting individuals from returning to the long-term care facility in which they were residing prior to hospitalization may detrimentally impact the health and well-being of frail individuals and their families.

NEW SECTION. Sec. 2. A new section is added to chapter 48.43 RCW to read as follows:

(1) A carrier that provides coverage for a person at a long-term care facility following the person's hospitalization shall, upon the request of the person or his or her legal representative as authorized in RCW 7.70.065, provide such coverage at the facility in which the person resided immediately prior to the hospitalization if:

(a) The person's primary care physician determines that the medical care needs of the person can be met at the requested facility;

(b) The requested facility has all applicable licenses and certifications, and is not under a stop placement order that prevents the person's readmission;

(c) The requested facility agrees to accept payment from the carrier for covered services at the rate paid to similar facilities that otherwise contract with the carrier to provide such services; and

(d) The requested facility, with regard to the following, agrees to abide by the standards, terms, and conditions required by the carrier of similar facilities with which the carrier otherwise contracts: (i) Utilization review, quality assurance, and peer review; and (ii) management and administrative procedures, including data and financial reporting that may be required by the carrier.

(2) For purposes of this section, "long-term care facility" or "facility" means a nursing facility licensed under chapter 18.51 RCW, continuing care retirement community defined under RCW 70.38.025, boarding home licensed under chapter 18.20 RCW, or assisted living facility.

NEW SECTION. Sec. 3. This act may be known and cited as the Kitson act.

Passed the Senate April 22, 1999.

Passed the House April 13, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 313

[House Bill 1831]

COMMON SCHOOL CONSTRUCTION MANAGEMENT TECHNIQUES

AN ACT Relating to improving the effectiveness of common school construction; adding a new section to chapter 28A.525 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that certain construction management techniques will improve the effectiveness of construction and operation of new school buildings, and that such techniques, including value engineering, constructibility reviews, building commissioning, and professional construction management, will provide better value to the taxpayers by reducing construction costs, improving building operations, improving the building environment for the occupants, and reducing future replacement costs.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.525 RCW to read as follows:

(1) The state board of education shall adopt rules for appropriate use of the following construction management techniques: Value engineering, constructibility review, building commissioning, and construction management. Rules adopted under this section shall:

- (a) Define each technique as it applies to school buildings;
- (b) Describe the scope of work for each technique;
- (c) Define the timing for implementing each technique in the construction process;

(d) Determine the appropriate size of projects for the use of each technique; and

- (e) Determine standards for qualification and performance for each technique.

(2) Except as provided in rules adopted under subsection (1)(d) of this section, in allocating state moneys provided under this chapter, the state board of education shall include in funding for each project, at the state matching percentage, the cost of each of the construction management techniques listed in subsection (1) of this section.

(3) When assigning priority and allocating state funds for construction of common school facilities, the state board of education shall consider the adequacy of the construction management techniques used by a district and the compliance with the rules adopted under subsection (1) of this section.

(4) Except as provided in rules adopted under subsection (1)(d) of this section, the construction management techniques in subsection (1) of this section shall be used on each project submitted for approval by the state board of education.

(5)(a) School districts applying for state assistance for school facilities shall:

(i) Cause value engineering, constructibility review, and building commissioning to be performed by contract with a professional firm specializing in those construction management techniques; and

(ii) Contract or employ personnel to perform professional construction management.

(b) All recommendations from the value engineering and constructibility review construction techniques for a school project shall be presented to the school district's board of directors for acceptance or rejection. If the board of directors rejects a recommendation it shall provide a statement explaining the reasons for rejecting the recommendation and include the statement in the application for state assistance to the state board of education.

(6) The office of the superintendent of public instruction shall provide:

(a) An information and training program for school districts on the use of the construction management techniques; and

(b) Consulting services to districts on the benefits and best uses of these construction management techniques.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void.

Passed the House April 19, 1999.

Passed the Senate April 13, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 314

[Engrossed House Bill 1832]

SCHOOL DISTRICT CONSTRUCTION—NONVOTER-APPROVED DEBT

AN ACT Relating to school district indebtedness; amending RCW 28A.530.080; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that current law authorizes school districts to use nonvoter-approved debt to acquire real or personal property but not to construct or repair school district property. It is the intent of the legislature to authorize school districts to use nonvoter-approved debt, within existing debt limits, to finance the acquisition, remodel, and repair of school facilities.

Sec. 2. RCW 28A.530.080 and 1991 c 114 s 1 are each amended to read as follows:

In addition to the authority granted under RCW 28A.530.010, a school district may contract indebtedness for any purpose specified in RCW 28A.530.010 (2), (4), and (5) or for the purpose of purchasing any real or personal property, or property rights, in connection with the exercise of any powers or duties which it is now or hereafter authorized to exercise, and issue bonds, notes, or other evidences of indebtedness therefor without a vote of the qualified electors of the district, subject to the limitations on indebtedness set forth in RCW 39.36.020(3). Such bonds,

notes, or other evidences of indebtedness shall be issued and sold in accordance with chapter 39.46 RCW, and the proceeds thereof shall be deposited in the capital projects fund, the transportation vehicle fund, or the general fund, as applicable.

Passed the House April 19, 1999.

Passed the Senate April 13, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 315

[Engrossed Second Substitute House Bill 1477]

SCHOOL DISTRICT ORGANIZATION

AN ACT Relating to school district organization; amending RCW 36.70A.035; adding new sections to chapter 28A.315 RCW; adding a new section to chapter 28A.300 RCW; adding new chapters to Title 28A RCW; recodifying RCW 28A.315.020, 28A.315.220, 28A.315.210, 28A.315.690, 28A.315.700, 28A.315.710, 28A.315.720, 28A.315.040, 28A.315.050, 28A.315.060, 28A.315.070, 28A.315.080, 28A.315.090, 28A.315.100, 28A.315.350, 28A.315.360, 28A.315.370, 28A.315.380, 28A.315.390, 28A.315.400, 28A.315.410, 28A.315.420, 28A.315.430, 28A.315.440, 28A.315.450, 28A.315.650, 28A.315.470, 28A.315.480, 28A.315.490, 28A.315.500, 28A.315.530, 28A.315.510, 28A.315.520, 28A.315.540, 28A.315.570, 28A.315.460, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 28A.315.670, 28A.315.680, 28A.315.550, 28A.315.560, 28A.315.580, 28A.315.590, 28A.315.593, 28A.315.660, 28A.315.597, and 28A.315.640; and repealing RCW 28A.305.150, 28A.315.010, 28A.315.030, 28A.315.110, 28A.315.120, 28A.315.130, 28A.315.140, 28A.315.150, 28A.315.160, 28A.315.170, 28A.315.180, 28A.315.190, 28A.315.200, 28A.315.230, 28A.315.240, 28A.315.250, 28A.315.260, 28A.315.270, 28A.315.280, 28A.315.290, 28A.315.300, 28A.315.310, 28A.315.320, 28A.315.330, 28A.315.340, and 28A.315.900.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington.

PART 1

PURPOSE AND POLICY

NEW SECTION. Sec. 101. PURPOSE—POLICY. (1) It is the purpose of this chapter to:

(a) Incorporate into a single, comprehensive, school district organization law all essential provisions governing:

- (i) The formation and establishment of new school districts;
- (ii) The alteration of the boundaries of existing districts; and

(iii) The adjustment of the assets and liabilities of school districts when changes are made under this chapter; and

(b) Establish methods and procedures whereby changes in the school district system may be brought about by the people concerned and affected.

(2) It is the state's policy that decisions on proposed changes in school district organization should be made, whenever possible, by negotiated agreement between the affected school districts. If the districts cannot agree, the decision shall be made by the regional committees on school district organization, based on the committees' best judgment, taking into consideration the following factors and factors under section 402 of this act:

(a) A balance of local petition requests and the needs of the state-wide community at large in a manner that advances the best interest of public education in the affected school districts and communities, the educational service district, and the state;

(b) Responsibly serving all of the affected citizens and students by contributing to logical service boundaries and recognizing a changing economic pattern within the educational service districts of the state;

(c) Enhancing the educational opportunities of pupils in the territory by reducing existing disparities among the affected school districts' ability to provide operating and capital funds through an equitable adjustment of the assets and liabilities of the affected districts;

(d) Promoting a wiser use of public funds through improvement in the school district system of the educational service districts and the state; and

(e) Other criteria or considerations as may be established in rule by the state board of education.

(3) It is neither the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh school districts as provided for in chapter 28A.540 RCW.

PART 2 GENERAL PROVISIONS

NEW SECTION. Sec. 201. REORGANIZATION OF DISTRICTS. (1) A new school district may be formed comprising contiguous territory lying in either a single county or in two or more counties. The new district may comprise:

(a) Two or more whole school districts;

(b) Parts of two or more school districts; and/or

(c) Territory that is not a part of any school district if such territory is contiguous to the district to which it is transferred.

(2) The boundaries of existing school districts may be altered:

(a) By the transfer of territory from one district to another district;

(b) By the consolidation of one or more school districts with one or more school districts; or

(c) By the dissolution and annexation to a district of a part or all of one or more other districts or of territory that is not a part of any school district:

PROVIDED, That such territory shall be contiguous to the district to which it is transferred or annexed.

(3) Territory may be transferred or annexed to or consolidated with an existing school district without regard to county boundaries.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.300 RCW to read as follows:

CLASSIFICATION—NUMBERING SYSTEM—CHANGE OF CLASSIFICATION. (1) The superintendent of public instruction is responsible for the classification and numbering system of school districts.

(2) Any school district in the state that has a student enrollment in its public schools of two thousand pupils or more, as shown by evidence acceptable to the educational service district superintendent and the superintendent of public instruction, is a school district of the first class. Any other school district is a school district of the second class.

(3) Whenever the educational service district superintendent finds that the classification of a school district should be changed, and upon the approval of the superintendent of public instruction, the educational service district superintendent shall make an order in conformity with his or her findings and alter the records of his or her office accordingly. Thereafter, the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which the district then belongs.

(4) Notwithstanding any other provision of chapter 43, Laws of 1975, the educational service district superintendent, with the concurrence of the superintendent of public instruction, may delay approval of a change in classification of any school district for a period not exceeding three years when, in fact, the student enrollment of the district within any such time period does not exceed ten percent, either in a decrease or increase thereof.

NEW SECTION. Sec. 203. CONFLICTING OR INCORRECTLY DESCRIBED SCHOOL DISTRICT BOUNDARIES—CHANGES. In case the boundaries of any of the school districts are conflicting or incorrectly described, the educational service district board of directors, after due notice and a public hearing, shall change, harmonize, and describe them and shall so certify, with a complete transcript of boundaries of all districts affected, such action to the state board for its approval or revision. Upon receipt of notification of state board action, the educational service district superintendent shall transmit to the county legislative authority of the county or counties in which the affected districts are located a complete transcript of the boundaries of all districts affected.

NEW SECTION. Sec. 204. DISTRICT BOUNDARY CHANGES—SUBMISSION TO COUNTY AUDITOR. (1) Any district boundary changes shall be submitted to the county auditor by the educational service district superintendent within thirty days after the changes have been approved in accordance with this chapter. The superintendent shall submit both legal descriptions and maps.

(2) Any boundary changes submitted to the county auditor after the fourth Monday in June of odd-numbered years does not take effect until the following calendar year.

NEW SECTION. Sec. 205. EFFECT OF CHANGES—EXISTING PROVISIONS NOT AFFECTED. (1) Any proposed change in school district organization initiated before the effective date of this act shall be considered under the laws and rules in effect before the effective date of this act. This act applies to any proposed change in school district organization initiated on or after the effective date of this act.

(2) For purposes of this section, "initiated" means the filing of a petition, the motion of a school board, or the report of an educational service district. This section does not preclude the filing of a new petition on or after the effective date of this act where the same or a similar proposal was filed before the effective date of this act.

NEW SECTION. Sec. 206. PERSONNEL AND SUPPLIES—EXPENSES—REIMBURSEMENT. (1) The superintendent of public instruction shall furnish to the state board and to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter and shall reimburse the members thereof for expenses necessarily incurred by them in the performance of their duties, such reimbursement for regional committee members to be in accordance with RCW 28A.315.090 (as recodified by this act), and such reimbursement for state board members to be in accordance with RCW 28A.305.120.

(2) Costs that may be incurred by an educational service district in association with school district negotiations under section 401 of this act and supporting the regional committee under section 402 of this act shall be reimbursed by the state from such funds as are appropriated for these purposes.

PART 3 REGIONAL COMMITTEES ON SCHOOL DISTRICT ORGANIZATION

NEW SECTION. Sec. 301. REGIONAL COMMITTEES—POWERS AND DUTIES. The powers and duties of each regional committee are to:

(1) Hear and approve or disapprove proposals for changes in the organization and extent of school districts in the educational service districts when a hearing on a proposal has been requested under section 401 of this act;

(2) Act on notices and proposals from the educational service district under section 501 of this act;

(3) Make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies as otherwise authorized under this section, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts;

(4) Make an equitable adjustment of the bonded indebtedness outstanding against any of the old and new districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected;

(5) Provide that territory transferred from a school district by a change in the organization and extent of school districts shall either remain subject to, or be relieved of, any one or more excess tax levies that are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory from the school district;

(6) Provide that territory transferred to a school district by a change in the organization and extent of school districts shall either be made subject to, or be relieved of, any one or more excess tax levies that are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory to the school district;

(7) Establish the date by which a committee-approved transfer of territory shall take effect;

(8) Hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.315.290 or 28A.315.320 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The regional committee shall cause notice to be given, at least ten days prior to the date appointed for any such hearing, in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by radio and television, or either thereof, when in the committee's judgment the public interest will be served thereby; and

(9) Prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

NEW SECTION. Sec. 302. POWERS AND DUTIES OF STATE BOARD.

The powers and duties of the state board with respect to this chapter shall be:

(1) To aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts.

(2) To hear appeals as provided in section 402 of this act.

NEW SECTION. **Sec. 303. ANNUAL TRAINING.** To the extent funds are appropriated, the superintendent of public instruction, in cooperation with the educational service districts and the Washington state school directors' association, shall conduct an annual training meeting for the regional committees, state board members, educational service district superintendents, and local school district superintendents and boards of directors. Training may also be provided upon request.

PART 4
TRANSFER OF TERRITORY

NEW SECTION. **Sec. 401. TRANSFER OF TERRITORY—REQUIREMENTS—RESPONSIBILITIES OF SCHOOL DISTRICT BOARD OF DIRECTORS.** (1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least ten percent of the registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) The state board may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) Upon receipt of the petition, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory;

(d) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(e) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service district superintendent in writing that agreement will not be possible.

(6) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(7) If the affected school districts cannot come to agreement about the proposed transfer of territory, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, either district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(8) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside shall file with the educational service district superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(9) Upon receipt of a notice under subsection (7) or (8) of this section, the educational service district superintendent shall notify the chair of the regional committee in writing within ten days.

(10) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose.

NEW SECTION. Sec. 402. TRANSFER OF TERRITORY—REGIONAL COMMITTEE—RESPONSIBILITIES. (1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under section 401 (7) or (8) of this act.

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of section 101 of this act and in making decisions as authorized under section 301(1) of this act, the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with section 101(2) of this act and rules adopted by the state board under chapter 34.05 RCW.

(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) The annual school performance reports required under RCW 28A.320.205 in the affected districts and improvement of the educational opportunities of pupils in the territory proposed for a change in school district organization;

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee to approve a change in school district organization to the state board based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee.

(ii) If the state board finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, it shall refer the matter back to the regional committee with an explanation of the board's findings. The regional committee shall rehear the proposal.

(iii) If the state board finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570.

NEW SECTION. Sec. 403. TRANSFER OF TERRITORY—APPROVAL OF PROPOSED TRANSFER—ORDER. (1) Upon receipt by the educational service district superintendent of a written agreement by two or more school

districts to the transfer of territory between the affected districts, the superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action.

(2) Upon receipt by the educational service district superintendent of a written order by the regional committee approving the transfer of territory between two or more school districts, the superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order may not be implemented before the period of appeal authorized under section 402(5)(a)(i) of this act has ended. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action.

PART 5

DISSOLUTION AND ANNEXATION OF TERRITORY

NEW SECTION. Sec. 501. DISSOLUTION AND ANNEXATION OF CERTAIN DISTRICTS—ANNEXATION OF NONDISTRICT PROPERTY. In case any school district has an average enrollment of fewer than five kindergarten through eighth grade pupils during the preceding school year or has not made a reasonable effort to maintain, during the preceding school year at least the minimum term of school required by law, the educational service district superintendent shall report that fact to the regional committee, which committee shall dissolve the school district and annex the territory thereof to some other district or districts. For the purposes of this section, in addition to any other finding, "reasonable effort" shall be deemed to mean the attempt to make up whatever days are short of the legal requirement by conducting of school classes on any days to include available holidays, though not to include Saturdays and Sundays, prior to June 15th of that year. School districts operating an extended school year program, most commonly implemented as a 45-15 plan, shall be deemed to be making a reasonable effort. In the event any school district has suffered any interruption in its normal school calendar due to a strike or other work stoppage or slowdown by any of its employees that district shall not be subject to this section. In case any territory is not a part of any school district, the educational service district superintendent shall present to the regional committee a proposal for the annexation of the territory to some contiguous district or districts.

PART 6
CONSOLIDATION OF TERRITORY

NEW SECTION. Sec. 601. CONSOLIDATION—PETITION. (1) A proposed change in school district organization by consolidation of territory from two or more school districts to form a new school district may be initiated by:

(a) A written petition presented to the educational service district superintendent signed by ten or more registered voters residing:

(i) In each whole district and in each part of a district proposed to be included in any single new district; or

(ii) In the territory of a proposed new district that comprises a part of only one or more districts and approved by the boards of directors of the affected school districts;

(b) A written petition presented to the educational service district superintendent signed by ten percent or more of the registered voters residing in such affected areas or area without the approval of the boards of directors of the affected school districts.

(2) The petition shall state the name and number of each district involved in or affected by the proposal to form the new district and shall describe the boundaries of the proposed new district. No more than one petition for consolidation of the same two school districts or parts thereof shall be considered during a school fiscal year.

(3) The educational service district superintendent may not complete any consolidation of territory under this section unless he or she has first called and held a special election of the voters of the affected districts to afford those voters an opportunity to approve or reject the proposed consolidation. A simple majority shall determine approval or rejection.

(4) If a proposed change in school district organization by consolidation of territory has been approved under this section, the educational service district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of the affected districts. The order shall also establish all approved terms of the equitable adjustment of assets and liabilities involving the affected districts. The superintendent shall certify his or her action to each county auditor, each county treasurer, each county assessor, and the superintendents of all school districts affected by the action.

PART 7
ADJUSTMENT OF ASSETS AND LIABILITIES—
BONDED INDEBTEDNESS—SPECIAL ELECTIONS

NEW SECTION. Sec. 701. ADJUSTMENT OF ASSETS AND LIABILITIES. In determining an equitable adjustment of assets and liabilities, the negotiating school districts and the regional committee shall consider the following factors:

(1) The number of school age children residing in each school district and in each part of a district involved or affected by the proposed change in school district organization;

(2) The assessed valuation of the property located in each school district and in each part of a district involved or affected by the proposed change in school district organization;

(3) The purpose for which the bonded indebtedness of any school district involved or affected by the proposed change in school district organization was incurred;

(4) The history and relationship of the property affected to the students and communities affected by the proposed change in school district organization;

(5) Additional burdens to the districts affected by the proposed change in school district organization as a result of the proposed organization;

(6) The value, location, and disposition of all improvements located in the school districts involved or affected by the proposed change in school district organization;

(7) The consideration of all other sources of funding; and

(8) Any other factors that in the judgment of the school districts or regional committee are important or essential to the making of an equitable adjustment of assets and liabilities.

NEW SECTION. Sec. 702. ADJUSTMENT OF INDEBTEDNESS. (1) The fact of the issuance of bonds by a school district, heretofore or hereafter, does not prevent changes in the organization and extent of school districts, regardless of whether or not such bonds or any part thereof are outstanding at the time of change.

(2) In case of any change:

(a) The bonded indebtedness outstanding against any school district involved in or affected by such change shall be adjusted equitably among the old school districts and the new district or districts, if any, involved or affected; and

(b) The property and other assets and the liabilities other than bonded indebtedness of any school district involved in or affected by any such change shall also be adjusted in the manner and to the effect provided for in this section, except if all the territory of an old school district is included in a single new district or is annexed to a single existing district, in which event the title to the property and other assets and the liabilities other than bonded indebtedness of the old district vests in and becomes the assets and liabilities of the new district or of the existing district, as applicable.

NEW SECTION. Sec. 703. ADJUSTMENT OF BONDED INDEBTEDNESS—SPECIAL ELECTIONS. If adjustments of bonded indebtedness are made between or among school districts in connection with the alteration of the boundaries of the school districts under this chapter, the order of the educational service district superintendent establishing the terms of adjustment of bonded indebtedness shall provide and specify:

(1) In every case where bonded indebtedness is transferred from one school district to another school district:

(a) That such bonded indebtedness is assumed by the school district to which it is transferred;

(b) That thereafter such bonded indebtedness shall be the obligation of the school district to which it is transferred;

(c) That, if the terms of adjustment so provide, any bonded indebtedness thereafter incurred by such transferee school district through the sale of bonds authorized before the date its boundaries were altered shall be the obligation of such school district including the territory added thereto; and

(d) That taxes shall be levied thereafter against the taxable property located within such school district as it is constituted after its boundaries were altered, the taxes to be levied at the times and in the amounts required to pay the principal of and the interest on the bonded indebtedness assumed or incurred, as the same become due and payable.

(2) In computing the debt limitation of any school district from which or to which bonded indebtedness has been transferred, the amount of transferred bonded indebtedness at any time outstanding:

(a) Shall be an offset against and deducted from the total bonded indebtedness, if any, of the school district from which the bonded indebtedness was transferred; and

(b) Shall be deemed to be bonded indebtedness solely of the transferee school district that assumed the indebtedness.

(3) In every case where adjustments of bonded indebtedness do not provide for transfer of bonded indebtedness from one school district to another school district:

(a) That the existing bonded indebtedness of each school district, the boundaries of which are altered and any bonded indebtedness incurred by each such school district through the sale of bonds authorized before the date its boundaries were altered is the obligation of the school district in its reduced or enlarged form, as the case may be; and

(b) That taxes shall be levied thereafter against the taxable property located within each such school district in its reduced or enlarged form, as the case may be, at the times and in the amounts required to pay the principal of and interest on such bonded indebtedness as the same become due and payable.

(4) If a change in school district organization approved by the regional committee concerns a proposal to form a new school district or a proposal for adjustment of bonded indebtedness involving an established school district and one or more former school districts now included therein pursuant to a vote of the people concerned; a special election of the voters residing within the territory of the proposed new district, or of the established district involved in a proposal for adjustment of bonded indebtedness as the case may be, shall be held for the

purpose of affording those voters an opportunity to approve or reject such proposals as concern or affect them.

(5) In a case involving both the question of the formation of a new school district and the question of adjustment of bonded indebtedness, the questions may be submitted to the voters either in the form of a single proposition or as separate propositions, whichever seems expedient to the educational service district superintendent. When the regional committee has passed appropriate resolutions for the questions to be submitted and the educational service district superintendent has given notice thereof to the county auditor, the special election shall be called and conducted, and the returns canvassed as in regular school district elections.

NEW SECTION. Sec. 704. NOTICE OF ELECTIONS. Notice of special elections as provided for in section 703 of this act shall be given by the county auditor as provided in RCW 29.27.080. The notice of election shall state the purpose for which the election has been called and contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness on which to be voted.

NEW SECTION. Sec. 705. VOTE—DETERMINATION—ORDER—CERTIFICATION. (1) If a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately. Any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon.

(2) If a special election is held to vote on a proposal for adjustment of bonded indebtedness, the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated. Any such proposition shall be considered approved if sixty percent or more of all votes cast thereon are in the affirmative.

(3) In the event of approval of a proposition or propositions voted on at a special election, the educational service district superintendent shall:

(a) Make an order establishing such new school district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order such other terms of adjustment, if there are any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state council; and

(b) Certify his or her action to the county and school district officials specified in section 403 of this act. The educational service district superintendent may designate, with the approval of the superintendent of public instruction, a name and number different from that of any component thereof, but must designate the new district by name and number different from any other district in existence in the county.

(4) The educational service district superintendent shall fix as the effective date of any order or orders he or she is required to make by this chapter, the date specified in the order of final approval of any change in the organization and extent

of school districts or of any terms of adjustment of the assets and liabilities of school districts subject, for taxing purposes, to the redrawing of taxing district boundaries under RCW 84.09.030, by the regional committee.

(5) Upon receipt of certification under this section, the superintendent of each school district that is included in the new district shall deliver to the superintendent of the new school district those books, papers, documents, records, and other materials pertaining to the territory transferred.

NEW SECTION. Sec. 706. REJECTION OF PROPOSAL—PROCEDURE. If a proposal for the formation of a new school district and for adjustment of bonded indebtedness, or either, is rejected by the registered voters at a special election, the matter is terminated.

NEW SECTION. Sec. 707. CORPORATE EXISTENCE—PAYMENT OF BONDED INDEBTEDNESS—LEVY AUTHORITY. (1) Each school district involved in or affected by any change made in the organization and extent of school districts under this chapter retains its corporate existence insofar as is necessary for the purpose, until the bonded indebtedness outstanding against it on and after the effective date of the change has been paid in full. This section may not be construed to prevent, after the effective date of the change, such adjustments of bonded indebtedness as are provided for in this chapter.

(2) The county legislative authority shall provide, by appropriate levies on the taxable property of each school district, for the payment of the bonded indebtedness outstanding against it after any of the changes or adjustments under this chapter have been effected.

(3) In case any such changes or adjustments involve a joint school district, the tax levy for the payment of any bonded indebtedness outstanding against the joint district, after the changes or adjustments are effected, shall be made and the proceeds thereof shall be transmitted, credited, and paid out in conformity with the provisions of law applicable to the payment of the bonded indebtedness of joint school districts.

Sec. 708. RCW 36.70A.035 and 1997 c 429 s 9 are each amended to read as follows:

(1) The public participation requirements of this chapter shall include notice procedures that are reasonably calculated to provide notice to property owners and other affected and interested individuals, tribes, government agencies, businesses, school districts, and organizations of proposed amendments to comprehensive plans and development regulation. Examples of reasonable notice provisions include:

- (a) Posting the property for site-specific proposals;
- (b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located or that will be affected by the proposal;

(c) Notifying public or private groups with known interest in a certain proposal or in the type of proposal being considered;

(d) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and

(e) Publishing notice in agency newsletters or sending notice to agency mailing lists, including general lists or lists for specific proposals or subject areas.

(2)(a) Except as otherwise provided in (b) of this subsection, if the legislative body for a county or city chooses to consider a change to an amendment to a comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comment has passed under the county's or city's procedures, an opportunity for review and comment on the proposed change shall be provided before the local legislative body votes on the proposed change.

(b) An additional opportunity for public review and comment is not required under (a) of this subsection if:

(i) An environmental impact statement has been prepared under chapter 43.21C RCW for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

(ii) The proposed change is within the scope of the alternatives available for public comment;

(iii) The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;

(iv) The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120; or

(v) The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.

(3) This section is prospective in effect and does not apply to a comprehensive plan, development regulation, or amendment adopted before July 27, 1997.

PART 8

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 801. The following acts or parts of acts are each repealed:

(1) RCW 28A.305.150 (Classification, numbering system of school districts—Rules and regulations for) and 1971 c 54 s 1 & 1969 ex.s. c 223 s 28A.04.130;

(2) RCW 28A.315.010 (Purpose) and 1990 c 33 s 292 & 1969 ex.s. c 223 s 28A.57.010;

(3) RCW 28A.315.030 (County regional committee members—Assignment of committee member position numbers) and 1993 c 416 s 1, 1990 c 33 s 294, & 1985 c 385 s 30;

(4) RCW 28A.315.110 (Regional committees—Powers and duties) and 1991 c 288 s 2;

(5) RCW 28A.315.120 (Regional committees—Recommendations—Standards) and 1990 c 33 s 299, 1985 c 385 s 10, & 1969 ex.s. c 223 s 28A.57.055;

- (6) RCW 28A.315.130 (Changing conflicting or incorrectly described school district boundaries) and 1985 c 385 s 11 & 1971 ex.s. c 282 s 26;
- (7) RCW 28A.315.140 (Powers and duties of state board, generally) and 1990 c 33 s 300, 1987 c 100 s 2, 1985 c 385 s 12, & 1969 ex.s. c 223 s 28A.57.060;
- (8) RCW 28A.315.150 (Action upon board's report) and 1990 c 33 s 301, 1985 c 385 s 13, 1975 1st ex.s. c 275 s 84, 1969 ex.s. c 176 s 121, & 1969 ex.s. c 223 s 28A.57.070;
- (9) RCW 28A.315.160 (Adjustment of bonded indebtedness—Special election in certain cases) and 1985 c 385 s 14, 1975 1st ex.s. c 275 s 85, 1969 ex.s. c 176 s 122, & 1969 ex.s. c 223 s 28A.57.075;
- (10) RCW 28A.315.170 (Notice of election—Contents) and 1990 c 33 s 302, 1985 c 385 s 15, 1975 1st ex.s. c 275 s 86, 1971 c 48 s 26, & 1969 ex.s. c 223 s 28A.57.080;
- (11) RCW 28A.315.180 (Vote, how determined—ESD superintendent's order—Certification—Effective date) and 1990 c 33 s 303, 1985 c 385 s 16, 1975 1st ex.s. c 275 s 87, 1969 ex.s. c 176 s 123, & 1969 ex.s. c 223 s 28A.57.090;
- (12) RCW 28A.315.190 (Procedure upon rejection of proposal) and 1985 c 385 s 17 & 1969 ex.s. c 223 s 28A.57.100;
- (13) RCW 28A.315.200 (Personnel and supplies to be furnished by state superintendent—Expenses reimbursed) and 1990 c 33 s 304, 1985 c 385 s 18, & 1969 ex.s. c 223 s 28A.57.110;
- (14) RCW 28A.315.230 (Classes of districts—Change of classification) and 1991 c 116 s 25, 1990 c 33 s 306, & 1975-'76 2nd ex.s. c 15 s 3;
- (15) RCW 28A.315.240 (Classes of districts—Change of classification—Delay of authorized) and 1975 c 43 s 35;
- (16) RCW 28A.315.250 (City or town districts) and 1997 c 47 s 1, 1985 c 385 s 19, 1975 1st ex.s. c 275 s 90, 1969 ex.s. c 176 s 126, & 1969 ex.s. c 223 s 28A.57.150;
- (17) RCW 28A.315.260 (Reorganization of districts by transfer of territory or annexation) and 1969 ex.s. c 223 s 28A.57.160;
- (18) RCW 28A.315.270 (Petition for reorganization—Conditions) and 1985 c 385 s 20, 1982 c 191 s 1, 1975 1st ex.s. c 275 s 91, 1969 ex.s. c 176 s 127, & 1969 ex.s. c 223 s 28A.57.170;
- (19) RCW 28A.315.280 (Transfer of territory—By petition—By ESD superintendent—When election required) and 1985 c 385 s 21, 1975 1st ex.s. c 275 s 92, 1969 ex.s. c 176 s 128, & 1969 ex.s. c 223 s 28A.57.180;
- (20) RCW 28A.315.290 (Annexation of district bounded on three sides by high school district) and 1985 c 385 s 22, 1975 1st ex.s. c 275 s 93, 1969 ex.s. c 176 s 129, & 1969 ex.s. c 223 s 28A.57.190;
- (21) RCW 28A.315.300 (Single school district for certain United States military reservations—Mandated) and 1990 c 33 s 307 & 1972 ex.s. c 63 s 1;

(22) RCW 28A.315.310 (Single school district for certain United States military reservations—Procedure—Limitations) and 1990 c 33 s 308, 1985 c 385 s 23, & 1972 ex.s. c 63 s 2;

(23) RCW 28A.315.320 (Dissolution and annexation of certain districts—Annexation of nondistrict property) and 1985 c 385 s 24 & 1975-'76 2nd ex.s. c 15 s 4;

(24) RCW 28A.315.330 (Adjustment of indebtedness—Basis) and 1969 ex.s. c 223 s 28A.57.210;

(25) RCW 28A.315.340 (Corporate existence retained to pay bonded indebtedness—Tax levies—Joint school districts) and 1969 ex.s. c 223 s 28A.57.220; and

(26) RCW 28A.315.900 (Proceedings as of July 28, 1985—Effect of 1985 c 385) and 1990 c 33 s 329 & 1985 c 385 s 38.

NEW SECTION. Sec. 802. (1) RCW 28A.315.020 and 28A.315.220 are recodified as new sections in chapter 28A.315 RCW, to be codified in Part 2 of this act before section 201.

(2) RCW 28A.315.210 is recodified as a new section in chapter 28A.315 RCW, to be codified after section 707 of this act.

(3) RCW 28A.315.690, 28A.315.700, 28A.315.710, and 28A.315.720, are recodified as new sections in chapter 28A.315 RCW, to be codified after section 206 of this act.

(4) RCW 28A.315.040, 28A.315.050, 28A.315.060, 28A.315.070, 28A.315.080, 28A.315.090, and 28A.315.100 are recodified as new sections in chapter 28A.315 RCW, to be codified in Part 3 of this act after section 301 of this act.

NEW SECTION. Sec. 803. The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.350

RCW 28A.315.360

RCW 28A.315.370

RCW 28A.315.380

RCW 28A.315.390

RCW 28A.315.400

RCW 28A.315.410

RCW 28A.315.420

RCW 28A.315.430

RCW 28A.315.440

NEW SECTION. Sec. 804. The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.450

RCW 28A.315.650

RCW 28A.315.470

RCW 28A.315.480
 RCW 28A.315.490
 RCW 28A.315.500
 RCW 28A.315.530
 RCW 28A.315.510
 RCW 28A.315.520
 RCW 28A.315.540

NEW SECTION. Sec. 805. The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.570
 RCW 28A.315.460
 RCW 28A.315.600
 RCW 28A.315.610
 RCW 28A.315.620
 RCW 28A.315.630
 RCW 28A.315.670
 RCW 28A.315.680
 RCW 28A.315.550

NEW SECTION. Sec. 806. The following sections are each recodified as a new chapter in Title 28A RCW:

RCW 28A.315.560
 RCW 28A.315.580
 RCW 28A.315.590
 RCW 28A.315.593
 RCW 28A.315.660
 RCW 28A.315.597
 RCW 28A.315.640

****NEW SECTION. Sec. 807. MORATORIUM ON PETITIONS. The state board may, at its discretion, declare a moratorium on new petitions until such time as the rules have been adopted to implement chapter . . ., Laws of 1999 (this act). The state board shall adopt emergency rules necessary to begin consideration of changes initiated after the effective date of this act.***

****Sec. 807 was vetoed. See message at end of chapter.***

NEW SECTION. Sec. 808. PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law.

NEW SECTION. Sec. 809. Sections 1, 101, 201, 203 through 206, 301 through 303, 401 through 403, 501, 601, 701 through 707, 807, and 808 of this act are each added to chapter 28A.315 RCW.

Passed the House April 19, 1999.

Passed the Senate April 12, 1999.

Approved by the Governor May 14, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 14, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 807, Engrossed Second Substitute House Bill No. 1477 entitled:

"AN ACT Relating to school district organization;"

Section 807 of Engrossed Second Substitute House Bill No. 1477 would require the State Board of Education to adopt emergency rules to implement the changes made as a result of this bill. This bill deals with complicated laws and processes, and was crafted with the extensive input and collaborative efforts of many individuals and groups throughout the education community. Many parties, including the State Board, would prefer to continue that open and thoughtful process, with adequate opportunity for public input, while developing the rules necessary to implement this bill. Emergency rules would provide inadequate time for valuable public input.

For these reasons, I have vetoed section 807 of Engrossed Second Substitute House Bill No. 1477.

With the exception of section 807, Engrossed Second Substitute House Bill No. 1477 is approved."

CHAPTER 316

[Engrossed Senate Bill 5109]

SCHOOL DISTRICT FACILITIES—LIABILITY IMMUNITY

AN ACT Relating to immunity for school districts that make their facilities available to certain private nonprofit groups serving youth; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 4.24 RCW; creating a new section; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature intends to expand the opportunities of children to take advantage of services of private nonprofit groups by encouraging the groups' use of public school district facilities to provide programs to serve youth in the facilities. The legislature intends the very limited grant of immunity provided in this act to encourage such use, but only under the circumstances set forth in this act.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.335 RCW to read as follows:

In order to facilitate school districts permitting the use of school buildings for use by private nonprofit groups operating youth programs, school districts shall have a limited immunity in accordance with section 3 of this act. Nothing in section 3 of this act, including a school district's failure to require a private nonprofit group to have liability insurance, broadens the scope of a school district's liability.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

(1) A school district shall not be liable for an injury to or the death of a person due to action or inaction of persons employed by, or under contract with, a youth program if:

(a) The action or inaction takes place on school property and during the delivery of services of the youth program;

(b) The private nonprofit group provides proof of being insured, under an accident and liability policy issued by an insurance company authorized to do business in this state, that covers any injury or damage arising from delivery of its services. Coverage for a policy meeting the requirements of this section must be at least fifty thousand dollars due to bodily injury or death of one person, or at least one hundred thousand dollars due to bodily injury or death of two or more persons in any incident; and

(c) The group provides proof of such insurance before the first use of the school facilities. The immunity granted shall last only as long as the insurance remains in effect.

(2) Immunity under this section does not apply to any school district before January 1, 2000.

(3) As used in this section, "youth programs" means any program or service, offered by a private nonprofit group, that is operated primarily to provide persons under the age of eighteen with opportunities to participate in services or programs.

(4) This section does not impair or change the ability of any person to recover damages for harm done by: (a) Any contractor or employee of a school district acting in his or her capacity as a contractor or employee; or (b) the existence of unsafe facilities or structures or programs of any school district.

NEW SECTION. Sec. 4. This act takes effect January 1, 2000.

Passed the Senate April 22, 1999.

Passed the House April 7, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 317

[Substitute Senate Bill 5298]

LOCAL EFFORT ASSISTANCE

AN ACT Relating to local effort assistance; amending RCW 28A.500.010; adding new sections to chapter 28A.500 RCW; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28A.500.010 and 1997 c 259 s 4 are each amended to read as follows:

~~((1))~~ Commencing with ~~((taxes assessed in 1988 to be collected in))~~ calendar year ~~((1989 and thereafter))~~ 2000, in addition to a school district's other general fund allocations, each eligible district shall be provided local effort assistance funds ~~((as provided in this section))~~. The purpose of these funds is to mitigate the

effect that above average property tax rates might have on the ability of a school district to raise local revenues to supplement the state's basic program of education. These funds serve to equalize the property tax rates that individual taxpayers would pay for such levies and to provide tax relief to taxpayers in high tax rate school districts. Such funds are not part of the district's basic education allocation.

((2)(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated:

— (b) The "state-wide average ten percent levy rate" means ten percent of the total levy bases as defined in RCW 84.52.0531(3) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

— (c) The "district's ten percent levy rate" means the district's ten percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio:

— (d) The "district's ten percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under RCW 84.52.0531(4) multiplied by ten percent:

— (e) The "district's twelve percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under RCW 84.52.0531(4) multiplied by twelve percent:

— (f) "Districts eligible for ten percent equalization" means:

— (i) Before the 1999 calendar year, those districts with a ten percent levy rate which exceeds the state-wide average ten percent levy rate; and

— (ii) In the 1999 calendar year and thereafter, those districts with a ten percent levy rate that exceeds the state-wide average ten percent levy rate but that is not in the top quartile of all district rates ranked from highest to lowest:

— (g) "Districts eligible for twelve percent equalization" means in the 1999 calendar year and thereafter, those districts with a ten percent levy rate in the top quartile of all district rates ranked from highest to lowest:

— (h) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this section:

— (3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

— (a) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate; to (ii) the state-wide average ten percent levy rate.

~~—(b) The maximum amount of state matching funds for districts eligible for ten percent equalization shall be the district's ten percent levy amount, multiplied by the following percentage: (i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate, divided by (ii) the district's ten percent levy rate.~~

~~—(c) In the 1999 calendar year and thereafter, the maximum amount of state matching funds for districts eligible for twelve percent equalization shall be the district's twelve percent levy amount multiplied by the following percentage: (i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate, divided by (ii) the district's ten percent levy rate.~~

~~—(4) Local effort assistance funds shall be distributed to qualifying districts as follows:~~

~~—(a) Thirty percent in April;~~

~~—(b) Twenty-three percent in May;~~

~~—(c) Two percent in June;~~

~~—(d) Seventeen percent in August;~~

~~—(e) Nine percent in October;~~

~~—(f) Seventeen percent in November; and~~

~~—(g) Two percent in December.)~~

NEW SECTION. Sec. 2. A new section is added to chapter 28A.500 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Prior tax collection year" means the year immediately preceding the year in which the local effort assistance shall be allocated.

(b) "State-wide average twelve percent levy rate" means twelve percent of the total levy bases as defined in RCW 84.52.0531(3) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The "district's twelve percent levy amount" means the school district's maximum levy authority after transfers determined under RCW 84.52.0531(2) (a) through (c) divided by the district's maximum levy percentage determined under RCW 84.52.0531(4) multiplied by twelve percent.

(d) The "district's twelve percent levy rate" means the district's twelve percent levy amount divided by the district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(e) "Districts eligible for local effort assistance" means those districts with a twelve percent levy rate that exceeds the state-wide average twelve percent levy rate.

(2) Unless otherwise stated all rates, percents, and amounts are for the calendar year for which local effort assistance is being calculated under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.500 RCW to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the state-wide average twelve percent levy rate; to

(b) The state-wide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the state-wide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.500 RCW to read as follows:

Local effort assistance funds shall be distributed to qualifying districts as follows:

(1) Thirty percent in April;

(2) Twenty-three percent in May;

(3) Two percent in June;

(4) Seventeen percent in August;

(5) Nine percent in October;

(6) Seventeen percent in November; and

(7) Two percent in December.

NEW SECTION. Sec. 5. This act takes effect January 1, 2000.

Passed the Senate March 10, 1999.

Passed the House April 25, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 318

[Substitute Senate Bill 5626]

SCHOOL DISTRICTS—MEDICAID REIMBURSEMENT PAYMENTS

AN ACT Relating to medicaid reimbursement payments to school districts; amending RCW 74.09.5255 and 74.09.5256; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.09.5255 and 1994 c 180 s 6 are each amended to read as follows:

Of the projected federal medicaid and private insurance revenue collected under RCW 74.09.5249, twenty percent, after deduction for billing fees, shall be for incentive payments to first class school districts and fifty percent, after deduction for billing fees, shall be for incentive payments to second class school districts. Incentive payments shall only be used by districts for children with disabilities.

Sec. 2. RCW 74.09.5255 and 1999 c . . . s 1 (section 1 of this act) are each amended to read as follows:

Of the projected federal medicaid and private insurance revenue collected under RCW 74.09.5249, ~~((twenty))~~ one-half of the percent of potential medicaid eligible students billed by the school district as calculated by the superintendent multiplied by the federal portion of medicaid payments, after deduction for billing fees, shall be for incentive payments to ~~((first class school districts and fifty percent, after deduction for billing fees, shall be for incentive payments to second class school))~~ districts. Incentive payments shall only be used by districts for children with disabilities.

Sec. 3. RCW 74.09.5256 and 1994 c 180 s 7 are each amended to read as follows:

(1) Districts shall reassign medicaid payments to be received under RCW 74.09.5249 through 74.09.5253, 74.09.5254 and 74.09.5255, and this section to the superintendent of public instruction.

(2) The superintendent of public instruction shall receive medicaid payments from the department of social and health services for all state and federal moneys under Title XIX of the federal social security act due to districts for medical assistance provided in the district's special education program.

(3) The superintendent shall use reports from the department of social and health services, the state billing agent, districts acting as their own billing agent, and firms to calculate the appropriate amounts of incentive payments and state special education program moneys due each district.

(4) Moneys received by the superintendent of public instruction shall be disbursed for the following purposes:

(a) Reimbursement to the department of social and health services for the state-funded portion of medicaid payments;

(b) Reimbursement for billing agent's fees, including those of districts acting as their own agent and billing fees of firms;

(c) Incentive payments to first class school districts equal to twenty percent of the federal portion of medicaid payments after deduction for billing fees; ((and))

(d) Incentive payments to second class school districts equal to fifty percent of the federal portion of medicaid payments after deduction of billing fees; and

(e) The remainder shall be distributed to districts as part of state allocations for the special education program provided under RCW 28A.150.390.

(5) With respect to private insurer funds received by districts, the superintendent of public instruction shall reduce state special education program allocations to ~~((the))~~ first class districts by eighty percent of the amount received, after deduction for billing fees and to second class districts by fifty percent of the amount received, after deduction for billing fees.

Sec. 4. RCW 74.09.5256 and 1999 c . . . s 3 (section 3 of this act) are each amended to read as follows:

(1) Districts shall reassign medicaid payments to be received under RCW 74.09.5249 through 74.09.5253, 74.09.5254 and 74.09.5255, and this section to the superintendent of public instruction.

(2) The superintendent of public instruction shall receive medicaid payments from the department of social and health services for all state and federal moneys under Title XIX of the federal social security act due to districts for medical assistance provided in the district's special education program.

(3) The superintendent shall use reports from the department of social and health services, the state billing agent, districts acting as their own billing agent, and firms to calculate the appropriate amounts of incentive payments and state special education program moneys due each district.

(4) Moneys received by the superintendent of public instruction shall be disbursed for the following purposes:

(a) Reimbursement to the department of social and health services for the state-funded portion of medicaid payments;

(b) Reimbursement for billing agent's fees, including those of districts acting as their own agent and billing fees of firms;

(c) Incentive payments to ~~((first class))~~ each school district~~((s))~~ equal to ~~((twenty))~~ one-half of the percent of potential medicaid eligible students billed by the school district as calculated by the superintendent multiplied by the federal portion of medicaid payments after deduction for billing fees; and

~~(d) ((Incentive payments to second class school districts equal to fifty percent of the federal portion of medicaid payments after deduction of billing fees; and~~

~~—(e))~~ The remainder shall be distributed to districts as part of state allocations for the special education program provided under RCW 28A.150.390.

(5) With respect to private insurer funds received by districts, the superintendent of public instruction shall reduce state special education program allocations to ~~((first class))~~ districts by ~~((eighty percent of the amount received))~~ one minus the percent calculated by the superintendent in subsection (4)(c) of this section, after deduction for billing fees ((and to second class districts by fifty percent of the amount received, after deduction for billing fees)).

NEW SECTION. Sec. 5. (1) Sections 1 and 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 2 and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999.

Passed the Senate April 24, 1999.

Passed the House April 8, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 319

[Engrossed Substitute Senate Bill 5988]

SCHOOL ATTENDANCE—TRUANCY

AN ACT Relating to revising judicial truancy provisions; and amending RCW 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035, 28A.225.090, adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.300 RCW, creating a new section, and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28A.225.020 and 1996 c 134 s 2 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences;

(b) Schedule a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, if available, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official.

However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and section 6 of this act.

Sec. 2. RCW 28A.225.030 and 1996 c 134 s 3 are each amended to read as follows:

(1) If a child is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. Except as provided in this subsection, no additional documents need be filed with the petition.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board, if available, as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

Sec. 3. RCW 28A.225.035 and 1997 c 68 s 1 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or section 6 of this act shall consist of a written notification to the court alleging that:

- (a) The child has unexcused absences during the current school year;
- (b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and
- (c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, age, school, and residence of the child and the names and residence of the child's parents.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4) When a petition is filed under RCW 28A.225.030 or section 6 of this act, the juvenile court shall schedule a hearing at which the court shall consider the petition ~~((-- However))~~, or if the court determines that a referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court.

(5) If a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within thirty days of the referral. If the petition is based on section 6 of this act, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The agreement shall be presented to the juvenile court for its approval.

(6) The court shall approve the agreement by order or schedule a hearing. The court may, if the school district and community truancy board agree, permit the truancy board to provide continued supervision over the student, or parent if the petition is based on section 6 of this act, and report on compliance with the order.

(7) If the truancy board fails to reach an agreement, the truancy board shall return the case to the juvenile court for a hearing.

(8) Notwithstanding the provisions in subsection (4) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a juvenile court hearing is held, the court shall:

- (a) Separately notify the child, the parent of the child, and the school district of the hearing;

- (b) Notify the parent and the child of their rights to present evidence at the hearing; and

- (c) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

~~((5))~~ (9) The court may require the attendance of ((both)) the child ((and)) if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

~~((6))~~ (10) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or section 6 of this act.

(11) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court ~~((may))~~ shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

~~((7))~~ (12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

~~((8))~~ (13) If the court assumes jurisdiction, the school district shall regularly report to the court any additional unexcused absences by the child.

~~((9))~~ (14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.19I or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

Sec. 4. RCW 28A.225.090 and 1998 c 296 s 39 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to:

(a) Attend the child's current school;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to

contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; or

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law.

(2) If the child fails to comply with the court order, the court may order the child to be ~~((punished by))~~ subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community service. Failure by a child to comply with an order issued under this subsection shall not be ~~((punishable by))~~ subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, section 6 of this act, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community service instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community service. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year-old child required to attend public school under section 6 of this act.

Sec. 5. RCW 28A.225.025 and 1996 c 134 s 9 are each amended to read as follows:

For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. ~~((The local school district boards of directors))~~ Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other ((boards)) entities that exist or are created, such as diversion ((boards)) units. However, a diversion unit or other existing ~~((board)) entity~~ must agree before it is used as a truancy board. ~~((Members of the board shall be selected from representatives of the community.))~~ Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.225 RCW to read as follows:

(1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year-old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled shall:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps shall include, where appropriate, adjusting the child's school program or school or

course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district shall file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old-children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall provide, to the extent funds are appropriated, start-up grants for alternative programs and services that provide instruction and learning for truant, at-risk, and expelled students. Each grant application shall contain proposed performance indicators and an evaluation plan to measure the success of the program and its impact on improved student learning. Applications shall contain the applicant's plan for maintaining the program and services after the grant period.

NEW SECTION. Sec. 8. If funds are appropriated by the legislature for this specific purpose, the superintendent of public instruction shall contract with the institute of public policy or a similar agency to: Evaluate the effectiveness of the petition process and community truancy boards in chapter 28A.225 RCW in reducing truancy; determine whether students who do return to school after being subject to court action create disruptions for other students in the school, establish patterns of improved attendance, and successfully complete their education program; and determine the costs imposed on school districts by the petition process and other truancy-related procedural requirements required by the legislature in 1992 and thereafter.

The cost determination shall be submitted to the legislature by December 15, 1999. The evaluation shall be submitted to the appropriate committees of the legislature by December 15, 2000.

This section expires December 31, 2000.

Passed the Senate April 24, 1999.

Passed the House April 23, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 320

[Substitute House Bill 1016]

BORDER COUNTY HIGHER EDUCATION OPPORTUNITY PILOT PROJECT

AN ACT Relating to a pilot project on resident tuition rates for students residing in certain border counties; amending RCW 28B.15.012; adding new sections to chapter 28B.80 RCW; adding a new section to chapter 28B.15 RCW; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 28B.80 RCW to read as follows:

(1) The legislature finds that certain tuition policies in Oregon state are more responsive to the needs of students living in economic regions that cross the state border than the Washington state policies. Under Oregon policy, students who are Washington residents may enroll at Portland State University for eight credits or less and pay the same tuition as Oregon residents. Further, the state of Oregon passed legislation in 1997 to begin providing to its community colleges the same level of state funding for students residing in bordering states as students residing in Oregon.

(2) The legislature intends to build on the recent Oregon initiatives regarding tuition policy for students in bordering states and to facilitate regional planning for higher education delivery by creating a pilot project on resident tuition rates in four Washington counties that border Oregon state.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

(1) The border county higher education opportunity pilot project is created. The purpose of the pilot project is to allow four Washington institutions of higher education that are located in four counties on the Oregon border to implement, on a trial basis, tuition policies that correspond to Oregon policies. Under the border county pilot project, Lower Columbia Community College, Grays Harbor Community College, and Clark Community College may enroll students who reside in the bordering Oregon counties of Columbia, Multnomah, Clatsop, and Washington at resident tuition rates. The Vancouver branch of Washington State University may enroll students who reside in the bordering Oregon counties of Columbia, Multnomah, Clatsop, and Washington for eight credits or less at resident tuition rates.

(2) Washington institutions of higher education participating in the pilot project shall give priority program enrollment to Washington residents.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.80 RCW to read as follows:

(1) The higher education coordinating board shall administer Washington's participation in the border county higher education opportunity pilot project.

(2) By November 30, 2001, the board shall report to the governor and appropriate committees of the legislature on the results of the pilot project. For each participating Washington institution of higher education, the report shall

analyze, by program, the impact of the pilot project on: Enrollment levels, distribution of students by residency, and enrollment capacity. The report shall also include a recommendation on the extent to which border county tuition policies should be revised or expanded.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.15 RCW to read as follows:

For the purposes of determining resident tuition rates, "resident student" includes a resident of Oregon, residing in Columbia, Multnomah, Clatsop, or Washington county, who meets the following conditions:

(1) The student is eligible to pay resident tuition rates under Oregon laws and has been domiciled in Columbia, Multnomah, Clatsop, or Washington county for at least ninety consecutive days immediately before enrollment at a community college located in Clark, Cowlitz, Wahkiakum, or Pacific county, Washington; or

(2) The student is enrolled in courses located at the Vancouver branch of Washington State University for eight credits or less.

Sec. 5. RCW 28B.15.012 and 1997 c 433 s 2 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) A student who is the spouse or a dependent of a person who is on active military duty stationed in the state;

(f) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725; or

(g) A student who meets the requirements of RCW 28B.15.0131 or section 4 of this act: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. Except for students qualifying under subsection (2)(f) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, or Washington county, Oregon participating in the border county pilot project under sections 2 through 4 of this act.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

NEW SECTION. Sec. 6. This act expires June 30, 2002.

Passed the House March 9, 1999.
Passed the Senate April 6, 1999.
Approved by the Governor May 14, 1999.
Filed in Office of Secretary of State May 14, 1999.

CHAPTER 321

[Second Substitute House Bill 2061]

COMMUNITY COLLEGES—TUITION POLICIES

AN ACT Relating to higher education, but only with respect to tuition and fees at community colleges and residency requirements; amending RCW 28B.15.100 and 28C.10.084; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes that certain tuition policies may have an adverse impact on the unique role of community colleges.

Therefore, it is the intent of the legislature to eliminate impediments to the ability of community colleges to meet the diverse needs of students and business interests.

Sec. 2. RCW 28B.15.100 and 1998 c 75 s 1 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such tuition fees and services and activities fees, and other fees as such board shall in its discretion determine. The total of all fees shall be rounded to the nearest whole dollar amount: PROVIDED, That such tuition fees for other than the summer term shall be in the amounts for the respective institutions as otherwise set forth in RCW 28B.15.067.

(2) Part-time students shall be charged tuition and services and activities fees proportionate to full-time student rates established for residents and nonresidents: PROVIDED, That except for students registered at community colleges, students registered for fewer than two credit hours shall be charged tuition and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That, subject to the limitations of RCW 28B.15.910, residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be exempted from payment of all or a portion of the nonresident tuition fees differential upon a declaration by the higher education coordinating board that it finds Washington residents from the community college district are afforded substantially equivalent treatment by such other states.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the applicable established per credit hour tuition fee rate for part-time students: PROVIDED, That, subject to the limitations of RCW 28B.15.910, the governing

boards of the state universities and the community colleges may exempt all or a portion of the additional charge, for students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine, doctor of pharmacy, or law, or who are registered exclusively in required courses in vocational preparatory programs.

Sec. 3. RCW 28C.10.084 and 1993 c 445 s 2 are each amended to read as follows:

(1) The agency shall establish, maintain, and administer a tuition recovery trust fund. All funds collected for the tuition recovery trust fund are payable to the state for the benefit and protection of any student or enrollee of a private vocational school licensed under this chapter, or, in the case of a minor, his or her parents or guardian, for purposes including but not limited to the settlement of claims related to school closures under subsection (10) of this section and the settlement of claims under RCW 28C.10.120. The fund shall be liable for settlement of claims and costs of administration but shall not be liable to pay out or recover penalties assessed under RCW 28C.10.130 or 28C.10.140. No liability accrues to the state of Washington from claims made against the fund.

(2) By June 30, 1998, a minimum operating balance of one million dollars shall be achieved in the fund and maintained thereafter. If disbursements reduce the operating balance below two hundred thousand dollars at any time before June 30, 1998, or below one million dollars thereafter, each participating entity shall be assessed a pro rata share of the deficiency created, based upon the incremental scale created under subsection (6) of this section. The agency shall adopt schedules of times and amounts for effecting payments of assessment.

(3) To be and remain licensed under this chapter each entity shall, in addition to other requirements under this chapter, make cash deposits into a tuition recovery trust fund as a means to assure payment of claims brought under this chapter.

(4) The amount of liability that can be satisfied by this fund on behalf of each individual entity licensed under this chapter shall be established by the agency, based on an incremental scale that recognizes the average amount of unearned prepaid tuition in possession of the entity. However, the minimum amount of liability for any entity shall not be less than five thousand dollars. The upper limit of liability is reestablished after any disbursements are made to settle an individual claim or class of claims.

(5) The fund's liability with respect to each participating entity commences on the date of its initial deposit into the fund and ceases one year from the date it is no longer licensed under this chapter.

(6) The agency shall adopt by rule a matrix for calculating the deposits into the fund required of each entity. Proration shall be determined by factoring the entity's share of liability in proportion to the aggregated liability of all participants under the fund by grouping such prorations under the incremental scale created by subsection (4) of this section. Expressed as a percentage of the total liability, that figure determines the amount to be contributed when factored into a fund

containing one million dollars. The total amount of its prorated share, minus the amount paid for initial capitalization, shall be payable in up to twenty increments over a ten-year period, commencing with the sixth month after the entity makes its initial capitalization deposit. Additionally, the agency shall require deposits for initial capitalization, under which the amount each entity deposits is proportionate to its share of two hundred thousand dollars, employing the matrix developed under this subsection. The amount thus established shall be deposited by each applicant for initial licensing before the issuance of such license.

(7) No vested right or interests in deposited funds is created or implied for the depositor, either at any time during the operation of the fund or at any such future time that the fund may be dissolved. All funds deposited are payable to the state for the purposes described under this section. The agency shall maintain the fund, serve appropriate notices to affected entities when scheduled deposits are due, collect deposits, and make disbursements to settle claims against the fund. When the aggregated deposits total five million dollars and the history of disbursements justifies such modifications, the agency may at its own option reduce the schedule of deposits whether as to time, amount, or both and the agency may also entertain proposals from among the licensees with regard to disbursing surplus funds for such purposes as vocational scholarships.

(8) Based on annual financial data supplied by the entity the agency shall determine whether the increment assigned to that entity on the incremental scale established under subsection (6) of this section has changed. If an increase or decrease in gross annual tuition income has occurred, a corresponding change in its incremental position and contribution schedule shall be made before the date of its next scheduled deposit into the fund. Such adjustments shall only be calculated and applied annually.

(9) No deposits made into the fund by an entity are transferable. If the majority ownership interest in an entity is conveyed through sale or other means into different ownership, all contributions made to the date of transfer accrue to the fund. The new owner commences contributions under provisions applying to a new applicant, except that if ownership of an entity is transferred to an immediate family member, all tuition recovery trust fund contributions shall remain with the entity transferred, and no additional cash deposits may be required beyond the original ten-year contribution cycle.

(10) To settle claims adjudicated under RCW 28C.10.120 and claims resulting when a private vocational school ceases to provide educational services, the agency may make disbursements from the fund. Students enrolled under a training contract executed between a school and a public or private agency or business are not eligible to make a claim against the fund. In addition to the processes described for making reimbursements related to claims under RCW 28C.10.120, the following procedures are established to deal with reimbursements related to school closures:

(a) The agency shall attempt to notify all potential claimants. The unavailability of records and other circumstances surrounding a school closure may make it impossible or unreasonable for the agency to ascertain the names and whereabouts of each potential claimant but the agency shall make reasonable inquiries to secure that information from all likely sources. The agency shall then proceed to settle the claims on the basis of information in its possession. The agency is not responsible or liable for claims or for handling claims that may subsequently appear or be discovered.

(b) Thirty days after identified potential claimants have been notified, if a claimant refuses or neglects to file a claim verification as requested in such notice, the agency shall be relieved of further duty or action on behalf of the claimant under this chapter.

(c) After verification and review, the agency may disburse funds from the tuition recovery trust fund to settle or compromise the claims. However, the liability of the fund for claims against the closed entity shall not exceed the maximum amount of liability assigned to that entity under subsection (6) of this section.

(d) In the instance of claims against a closed school, the agency shall seek to recover such disbursed funds from the assets of the defaulted entity, including but not limited to asserting claims as a creditor in bankruptcy proceedings.

(11) When funds are disbursed to settle claims against a current licensee, the agency shall make demand upon the licensee for recovery. The agency shall adopt schedules of times and amounts for effecting recoveries. An entity's failure to perform subjects its license to suspension or revocation under RCW 28C.10.050 in addition to any other available remedies.

Passed the House April 19, 1999.

Passed the Senate April 8, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 322

[Engrossed House Bill 1007]

COUNTERFEITING

AN ACT Relating to counterfeiting; amending RCW 9.16.030 and 9.94A.440; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.16 RCW; repealing RCW 9.16.040; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 9.16 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Counterfeit mark" means:

(a) Any unauthorized reproduction or copy of intellectual property; or

(b) Intellectual property affixed to any item knowingly sold, offered for sale, manufactured, or distributed, or identifying services offered or rendered, without the authority of the owner of the intellectual property.

(2) "Intellectual property" means any trademark, service mark, trade name, label, term, device, design, or work adopted or used by a person to identify such person's goods or services. Intellectual property does not have exclusive use rights to trade names registered under chapter 19.80 RCW.

(3) "Retail value" means the counterfeiter's regular selling price for the item or service bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which are components of a finished product, the retail value shall be the counterfeiter's regular selling price of the finished product on or in which the component would be utilized.

Sec. 2. RCW 9.16.030 and 1909 c 249 s 344 are each amended to read as follows:

~~(Every person who shall use or display or have in his possession with intent to use or display, the genuine label, trademark, term, design, device, or form of advertisement of any person, corporation, association or union, lawfully filed for record in the office of the secretary of state, or the exclusive right to use which is guaranteed to any person, corporation, association or union, by the laws of the United States, without the written authority of such person, corporation, association or union, or who shall wilfully forge or counterfeit or use or display or have in his possession with intent to use or display any representation, likeness, similitude, copy or imitation of any genuine label, trademark, term, design, device, or form of advertisement, so filed or protected, or any die, plate, stamp or other device for manufacturing the same, shall be guilty of a gross misdemeanor.)~~ Any person who willfully and knowingly, and for financial gain, manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses with intent to sell or distribute any item, or offers any services, bearing or identified by a counterfeit mark, is guilty of the crime of counterfeiting.

Any state or federal certificate of registration of any intellectual property is prima facie evidence of the facts stated in the certificate.

NEW SECTION. Sec. 3. A new section is added to chapter 9.16 RCW to read as follows:

(1) Counterfeiting is a misdemeanor, except as provided in subsections (2), (3) and (4) of this section.

(2) Counterfeiting is a gross misdemeanor if:

(a) The defendant has previously been convicted under RCW 9.16.030; or

(b) The violation involves more than one hundred but fewer than one thousand items bearing a counterfeit mark or the total retail value of all items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark is more than one thousand dollars but less than ten thousand dollars.

(3) Counterfeiting is a class C felony if:

(a) The defendant has been previously convicted of two or more offenses under RCW 9.16.030;

(b) The violation involves the manufacture or production of items bearing counterfeit marks; or

(c) The violation involves one thousand or more items bearing a counterfeit mark or the total retail value of all items bearing, or services identified by, a counterfeit mark is ten thousand dollars or more.

(4) Counterfeiting is a class C felony if:

(a) The violation involves the manufacture, production, or distribution of items bearing counterfeit marks; and

(b) The defendant knew or should have known that the counterfeit items, by their intended use, endangered the health or safety of others.

(5) For purposes of this section, the quantity or retail value of items or services shall include the aggregate quantity or retail value of all items bearing, or services identified by, every counterfeit mark the defendant manufactures, uses, displays, advertises, distributes, possesses, or possesses with intent to sell.

(6) A person guilty of counterfeiting shall be fined an amount up to three times the retail value of the items bearing, or services identified by, a counterfeit mark, unless extenuating circumstances are shown by the defendant.

(7) The penalties provided for in this section are cumulative and do not affect any other civil and criminal penalties provided by law.

NEW SECTION. Sec. 4. A new section is added to chapter 9.16 RCW to read as follows:

(1) Any items bearing a counterfeit mark, and all personal property employed or used in connection with counterfeiting, including but not limited to, any items, objects, tools, machines, equipment, instruments, or vehicles of any kind, shall be seized by any law enforcement officer.

All seized personal property referenced in this subsection shall be forfeited in accordance with RCW 10.105.010.

(2) Upon request of the intellectual property owner, all seized items bearing a counterfeit mark shall be released to the intellectual property owner for destruction or disposition.

(3) If the intellectual property owner does not request release of seized items bearing a counterfeit mark, such items shall be destroyed unless the intellectual property owner consents to another disposition.

Sec. 5. RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XV	Aggravated Murder 1 (RCW 10.95.020)
XIV	Murder 1 (RCW 9A.32.030)
	Homicide by abuse (RCW 9A.32.055)

- Malicious explosion 1 (RCW 70.74.280(1))
- XIII Murder 2 (RCW 9A.32.050)
Malicious explosion 2 (RCW 70.74.280(2))
Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- XI Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)
Manslaughter 1 (RCW 9A.32.060)
- X Kidnapping 1 (RCW 9A.40.020)
Child Molestation 1 (RCW 9A.44.083)
Malicious explosion 3 (RCW 70.74.280(3))
Over 18 and deliver heroin, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
Leading Organized Crime (RCW 9A.82.060(1)(a))
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
- IX Assault of a Child 2 (RCW 9A.36.130)
Robbery 1 (RCW 9A.56.200)
Explosive devices prohibited (RCW 70.74.180)
Malicious placement of an explosive 2 (RCW 70.74.270(2))
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
Controlled Substance Homicide (RCW 69.50.415)
Sexual Exploitation (RCW 9.68A.040)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 88.12.029)
- VIII Arson 1 (RCW 9A.48.020)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
- Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
- Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
- Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
- Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 88.12.029)
- Manslaughter 2 (RCW 9A.32.070)
- VII Burglary 1 (RCW 9A.52.020)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- Homicide by Watercraft, by disregard for the safety of others (RCW 88.12.029)
- Introducing Contraband 1 (RCW 9A.76.140)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Child Molestation 2 (RCW 9A.44.086)
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Involving a minor in drug dealing (RCW 69.50.401(f))
- Drive-by Shooting (RCW 9A.36.045)
- Unlawful Possession of a Firearm in the first degree (RCW 9A.41.040(1)(a))
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- VI Bribery (RCW 9A.68.010)
- Rape of a Child 3 (RCW 9A.44.079)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Incest 1 (RCW 9A.64.020(1))
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
- Intimidating a Judge (RCW 9A.72.160)
- Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
- Theft of a Firearm (RCW 9A.56.300)
- V Persistent prison misbehavior (RCW 9.94.070)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Abandonment of dependent person 1 (RCW 9A.42.060)
- Rape 3 (RCW 9A.44.060)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Child Molestation 3 (RCW 9A.44.089)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
- Sexually Violating Human Remains (RCW 9A.44.105)
- Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- IV Residential Burglary (RCW 9A.52.025)
- Theft of Livestock 1 (RCW 9A.56.080)
- Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Commercial Bribery (RCW 9A.68.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Threats to Bomb (RCW 9A.61.160)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run—Injury Accident (RCW 46.52.020(4))
- Hit and Run with Vessel—Injury Accident (RCW 88.12.155(3))
- Vehicular Assault (RCW 46.61.522)
- Assault by Watercraft (RCW 88.12.032)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)

- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- Counterfeiting (section 3(4) of this act)
- III Criminal Gang Intimidation (RCW 9A.46.120)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Abandonment of dependent person 2 (RCW 9A.42.070)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Assault of a Child 3 (RCW 9A.36.140)
- Custodial Assault (RCW 9A.36.100)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Burglary 2 (RCW 9A.52.030)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
- Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
- Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

- Theft of livestock 2 (RCW 9A.56.080)
- Securities Act violation (RCW 21.20.400)
- II Unlawful Practice of Law (RCW 2.48.180)
- Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Class B Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Health Care False Claims (RCW 48.80.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
- Possession of phencyclidine (PCP) (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Escape from Community Custody (RCW 72.09.310)
- Counterfeiting (section 3(3) of this act)
- I Theft 2 (RCW 9A.56.040)
- Class C Felony Theft of Rental, Leased, or Lease-purchased Property (RCW 9A.56.096(4))
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140
(2) and (3))

False Verification for Welfare (RCW
74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance
(RCW 69.50.403)

Possess Controlled Substance that is a Narcotic
from Schedule III, IV, or V or Non-
narcotic from Schedule I-V (except
phencyclidine or flunitrazepam) (RCW
69.50.401(d))

Sec. 6. RCW 9.94A.440 and 1996 c 93 s 2 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A prosecuting attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(c) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder. With regard to offenses prohibited by RCW 9A.44.040, 9A.44.050, 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, 9A.44.089, and 9A.64.020 the prosecutor should avoid prefilng agreements or diversions intended to place the accused in a program of treatment or counseling, so that treatment, if determined to be beneficial, can be provided pursuant to RCW 9.94A.120(8).

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table below for the crimes within these categories.

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS**CRIMES AGAINST PERSONS**

Aggravated Murder
 1st Degree Murder
 2nd Degree Murder
 1st Degree Kidnaping
 1st Degree Assault
 1st Degree Assault of a Child
 1st Degree Rape
 1st Degree Robbery
 1st Degree Rape of a Child
 1st Degree Arson
 2nd Degree Kidnaping
 2nd Degree Assault
 2nd Degree Assault of a Child
 2nd Degree Rape
 2nd Degree Robbery
 1st Degree Burglary
 1st Degree Manslaughter
 2nd Degree Manslaughter
 1st Degree Extortion
 Indecent Liberties
 Incest
 2nd Degree Rape of a Child
 Vehicular Homicide
 Vehicular Assault
 3rd Degree Rape
 3rd Degree Rape of a Child

1st Degree Child Molestation
2nd Degree Child Molestation
3rd Degree Child Molestation
2nd Degree Extortion
1st Degree Promoting Prostitution
Intimidating a Juror
Communication with a Minor
Intimidating a Witness
Intimidating a Public Servant
Bomb Threat (if against person)
3rd Degree Assault
3rd Degree Assault of a Child
Unlawful Imprisonment
Promoting a Suicide Attempt
Riot (if against person)
Counterfeiting (if a violation of section 3(4) of this act)

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson
1st Degree Escape
2nd Degree Burglary
1st Degree Theft
1st Degree Perjury
1st Degree Introducing Contraband
1st Degree Possession of Stolen Property
Bribery
Bribing a Witness
Bribe received by a Witness
Bomb Threat (if against property)
1st Degree Malicious Mischief
2nd Degree Theft
2nd Degree Escape
2nd Degree Introducing Contraband
2nd Degree Possession of Stolen Property
2nd Degree Malicious Mischief
1st Degree Reckless Burning
Taking a Motor Vehicle without Authorization
Forgery
2nd Degree Perjury
2nd Degree Promoting Prostitution
Tampering with a Witness
Trading in Public Office
Trading in Special Influence
Receiving/Granting Unlawful Compensation

Bigamy
 Eluding a Pursuing Police Vehicle
 Willful Failure to Return from Furlough
 Escape from Community Custody
 Riot (if against property)
 Thefts of Livestock

ALL OTHER UNCLASSIFIED FELONIES

Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended; or

(3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;
- (4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Pre-Filing Discussions with Victim(s)

Discussions with the victim(s) or victims' representatives regarding the selection or disposition of charges may occur before the filing of charges. The discussions may be considered by the prosecutor in charging and disposition decisions, and should be considered before reaching any agreement with the defendant regarding these decisions.

NEW SECTION. Sec. 7. RCW 9.16.040 (Displaying goods with false trademark) and 1909 c 249 s 345 are each repealed.

Passed the House April 24, 1999.

Passed the Senate April 22, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 323

[Substitute House Bill 1068]
CLEMENCY AND PARDONS

AN ACT Relating to clemency and pardons; amending RCW 7.69.030, 9.94A.260, and 9.95.260; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The pardoning power is vested in the governor under such regulations and restrictions as may be prescribed by law. To assist the governor in gathering the facts necessary to the wise exercise of this power, the legislature created the clemency and pardons board.

In recognition of the severe and detrimental impact of crime on victims, survivors of victims, and witnesses of crime, an intelligent recommendation on an application for clemency is dependent upon input from the victims and survivors of victims of crimes. It is the intent of the legislature to ensure that all victims and survivors of victims of crimes are afforded a meaningful role in the clemency process.

The impact of the crime on the community must also be assessed when passing upon an application for clemency. The prosecuting attorney who obtained the conviction and the law enforcement agency that conducted the investigation are uniquely situated to provide an accurate account of the offense and the impact felt by the community as a result of the offense. It is the intent of the legislature to ensure that the prosecuting attorney who obtained the conviction and the law enforcement agency that conducted the investigation are afforded a meaningful role in the clemency process.

Sec. 2. RCW 7.69.030 and 1997 c 343 s 1 are each amended to read as follows:

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights:

(1) With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;

(2) To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;

(3) To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;

(4) To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available;

(5) To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;

(6) To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;

(7) To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;

(8) To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;

(9) To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance;

(10) With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;

(11) With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;

(12) With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;

(13) To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

(14) With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions; ~~((and))~~

(15) With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and

(16) With respect to victims and survivors of victims, to present a statement in person, via audio or videotape, in writing or by representation at any hearing conducted regarding an application for pardon or commutation of sentence.

Sec. 3. RCW 9.94A.260 and 1989 c 214 s 2 are each amended to read as follows:

(1) The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and

pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor.

(2) The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to the elective rights to vote and to engage in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

(3) The board shall not recommend that the governor grant clemency under subsection (1) of this section until a public hearing has been held on the petition. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the petition received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

Sec. 4. RCW 9.95.260 and 1981 c 136 s 44 are each amended to read as follows:

(1) It shall be the duty of the indefinite sentence review board (~~(of prison terms and paroles)~~), when requested by the governor, to pass on the representations made in support of applications for pardons for convicted persons and to make recommendations thereon to the governor.

(2) It will be the duty of the secretary of corrections to exercise supervision over such convicted persons as have been conditionally pardoned by the governor, to the end that such persons shall faithfully comply with the conditions of such pardons. The indefinite sentence review board (~~(of prison terms and paroles)~~) shall also pass on any representations made in support of applications for restoration of civil rights of convicted persons, and make recommendations to the governor. The department of corrections shall prepare materials and make investigations requested by the indefinite sentence review board (~~(of prison terms and paroles)~~) in order to assist the board in passing on the representations made in support of applications for pardon or for the restoration of civil rights.

(3) The board shall make no recommendations to the governor in support of an application for pardon until a public hearing has been held under this section or RCW 9.94A.260(3) upon the application. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that an application for pardon has been filed and the date and place at which the hearing on the application for pardon will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the application for pardon shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the application for pardon received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

Passed the House April 19, 1999.

Passed the Senate April 7, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 324

[House Bill 1299]

EXTRAORDINARY MEDICAL PLACEMENT—OFFENDERS

AN ACT Relating to extraordinary medical releases for offenders; amending RCW 9.94A.150, 9.94A.120, and 69.50.410; reenacting and amending RCW 9.94A.310, 9.95.040, and 46.61.5055; and adding a new section to chapter 72.09 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9.94A.150 and 1996 c 199 s 2 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department, may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned early release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit

the offender with earned early release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department of corrections, the county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned early release time. In the case of an offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.310 (3) or (4), or both, shall not receive any good time credits or earned early release time for that portion of his or her sentence that results from any deadly weapon enhancements. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case shall the aggregate earned early release time exceed one-third of the total sentence;

(2) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned early release time pursuant to subsection (1) of this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary of corrections may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement under this subsection.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who

shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

~~((5))~~ (6) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community;

~~((6))~~ (7) The governor may pardon any offender;

~~((7))~~ (8) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

~~((8))~~ (9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.120(4) as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.120(4).

Sec. 2. RCW 9.94A.120 and 1998 c 260 s 3 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (4), (5), (6), and (8) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) A persistent offender shall be sentenced to a term of total confinement for life without the possibility of parole or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, notwithstanding the maximum sentence under any other law. An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree or assault of a child in the first degree where the offender used force or means likely to result in death or intended to kill the victim

shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section. In addition, all offenders subject to the provisions of this subsection shall not be eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release as defined under RCW 9.94A.150 (1), (2), (3), (5), (7), or (8), or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such minimum terms of total confinement except: (a) In the case of an offender in need of emergency medical treatment ((or)); (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; or (c) for an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
- (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
- (c) Pursue a prescribed, secular course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (e) Report as directed to the court and a community corrections officer; or
- (f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

(6)(a) An offender is eligible for the special drug offender sentencing alternative if:

(i) The offender is convicted of the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or a felony that is, under chapter 9A.28 RCW or RCW 69.50.407, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes, and the violation does not involve a sentence enhancement under RCW 9.94A.310 (3) or (4);

(ii) The offender has no prior convictions for a felony in this state, another state, or the United States; and

(iii) The offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance.

(b) If the midpoint of the standard range is greater than one year and the sentencing judge determines that the offender is eligible for this option and that the offender and the community will benefit from the use of the special drug offender sentencing alternative, the judge may waive imposition of a sentence within the standard range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections. If the midpoint of the standard range is twenty-four months or less, no more than three months of the sentence may be served in a work release status. The court shall also impose one year of concurrent community custody and community supervision that must include appropriate outpatient substance abuse treatment, crime-related prohibitions including a condition not to use illegal controlled substances, and a requirement to submit to urinalysis or other testing to monitor that status. The court may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

- (i) Devote time to a specific employment or training;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;
- (iii) Report as directed to a community corrections officer;
- (iv) Pay all court-ordered legal financial obligations;
- (v) Perform community service work;
- (vi) Stay out of areas designated by the sentencing judge.

(c) If the offender violates any of the sentence conditions in (b) of this subsection, the department shall impose sanctions administratively, with notice to the prosecuting attorney and the sentencing court. Upon motion of the court or the prosecuting attorney, a violation hearing shall be held by the court. If the court finds that conditions have been willfully violated, the court may impose confinement consisting of up to the remaining one-half of the midpoint of the standard range. All total confinement served during the period of community custody shall be credited to the offender, regardless of whether the total confinement is served as a result of the original sentence, as a result of a sanction

imposed by the department, or as a result of a violation found by the court. The term of community supervision shall be tolled by any period of time served in total confinement as a result of a violation found by the court.

(d) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(7) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(8)(a)(i) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.050 or a sex offense that is also a serious violent offense and has no prior convictions for a sex offense or any other felony sex offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

The report of the examination shall include at a minimum the following: The defendant's version of the facts and the official version of the facts, the defendant's offense history, an assessment of problems in addition to alleged deviant behaviors, the offender's social and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the defendant's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (A) Frequency and type of contact between offender and therapist;
- (B) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (C) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others;
- (D) Anticipated length of treatment; and
- (E) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

(ii) After receipt of the reports, the court shall consider whether the offender and the community will benefit from use of this special sex offender sentencing

alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this subsection. If the court determines that this special sex offender sentencing alternative is appropriate, the court shall then impose a sentence within the sentence range. If this sentence is less than eleven years of confinement, the court may suspend the execution of the sentence and impose the following conditions of suspension:

(A) The court shall place the defendant on community custody for the length of the suspended sentence or three years, whichever is greater, and require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section;

(B) The court shall order treatment for any period up to three years in duration. The court in its discretion shall order outpatient sex offender treatment or inpatient sex offender treatment, if available. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The offender shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the community corrections officer, and the court, and shall not change providers without court approval after a hearing if the prosecutor or community corrections officer object to the change. In addition, as conditions of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime; and

(C) Sex offenders sentenced under this special sex offender sentencing alternative are not eligible to accrue any earned early release time while serving a suspended sentence.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment.

Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community custody, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community custody.

(v) If a violation of conditions occurs during community custody, the department shall either impose sanctions as provided for in RCW 9.94A.205(2)(a) or refer the violation to the court and recommend revocation of the suspended sentence as provided for in (a)(vi) of this subsection.

(vi) The court may revoke the suspended sentence at any time during the period of community custody and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community custody shall be credited to the offender if the suspended sentence is revoked.

(vii) Except as provided in (a)(viii) of this subsection, after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

(viii) A sex offender therapist who examines or treats a sex offender pursuant to this subsection (8) does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (8) and the rules adopted by the department of health.

(ix) For purposes of this subsection (8), "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the crime charged. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

(x) If the defendant was less than eighteen years of age when the charge was filed, the state shall pay for the cost of initial evaluation and treatment.

(b) When an offender commits any felony sex offense on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender

or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his or her term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his or her community supervision, the court may order the offender to serve out the balance of his or her community supervision term in confinement in the custody of the department of corrections.

Nothing in this subsection (8)(b) shall confer eligibility for such programs for offenders convicted and sentenced for a sex offense committed prior to July 1, 1987. This subsection (8)(b) does not apply to any crime committed after July 1, 1990.

(c) Offenders convicted and sentenced for a sex offense committed prior to July 1, 1987, may, subject to available funds, request an evaluation by the department of corrections to determine whether they are amenable to treatment. If the offender is determined to be amenable to treatment, the offender may request placement in a treatment program within a correctional facility operated by the department. Placement in such treatment program is subject to available funds.

(9)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, assault of a child in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.125 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under subsection (6) of this section, committed on or after July 1, 1988, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of such community custody to which the offender

may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, a serious violent offense, vehicular homicide, or vehicular assault, committed on or after July 1, 1990, the court shall in addition to other terms of the sentence, sentence the offender to community placement for two years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community placement shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2). When the court sentences an offender under this subsection to the statutory maximum period of confinement then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible, in accordance with RCW 9.94A.150 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Unless a condition is waived by the court, the terms of community placement for offenders sentenced pursuant to this section shall include the following conditions:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) The offender shall pay supervision fees as determined by the department of corrections;

(v) The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement; and

(vi) The offender shall submit to affirmative acts necessary to monitor compliance with the orders of the court as required by the department.

(c) As a part of any sentence imposed under (a) or (b) of this subsection, the court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The offender shall comply with any crime-related prohibitions; or

(vi) For an offender convicted of a felony sex offense against a minor victim after June 6, 1996, the offender shall comply with any terms and conditions of community placement imposed by the department of corrections relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(d) Prior to transfer to, or during, community placement, any conditions of community placement may be removed or modified so as not to be more restrictive by the sentencing court, upon recommendation of the department of corrections.

(10)(a) When a court sentences a person to the custody of the department of corrections for an offense categorized as a sex offense committed on or after June 6, 1996, the court shall, in addition to other terms of the sentence, sentence the offender to community custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.150 (1) and (2), whichever is longer. The community custody shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.150 (1) and (2).

(b) Unless a condition is waived by the court, the terms of community custody shall be the same as those provided for in subsection (9)(b) of this section and may include those provided for in subsection (9)(c) of this section. As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department of corrections under subsection (14) of this section.

(c) At any time prior to the completion of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.195 and may be punishable as contempt of court as provided for in RCW 7.21.040.

(11) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(12) If a sentence imposed includes payment of a legal financial obligation, the sentence shall specify the total amount of the legal financial obligation owed, and shall require the offender to pay a specified monthly sum toward that legal financial obligation. Restitution to victims shall be paid prior to any other payments of monetary obligations. Any legal financial obligation that is imposed

by the court may be collected by the department, which shall deliver the amount paid to the county clerk for credit. The offender's compliance with payment of legal financial obligations shall be supervised by the department for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. All monetary payments ordered shall be paid no later than ten years after the last date of release from confinement pursuant to a felony conviction or the date the sentence was entered unless the superior court extends the criminal judgment an additional ten years. If the legal financial obligations including crime victims' assessments are not paid during the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years as provided in RCW 9.94A.140, 9.94A.142, and 9.94A.145. If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period. Independent of the department, the party or entity to whom the legal financial obligation is owed shall have the authority to utilize any other remedies available to the party or entity to collect the legal financial obligation. Nothing in this section makes the department, the state, or any of its employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations. If an order includes restitution as one of the monetary assessments, the county clerk shall make disbursements to victims named in the order.

(13) Except as provided under RCW 9.94A.140(1) and 9.94A.142(1), a court may not impose a sentence providing for a term of confinement or community supervision or community placement which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(14) All offenders sentenced to terms involving community supervision, community service, community placement, or legal financial obligation shall be under the supervision of the department of corrections and shall follow explicitly the instructions and conditions of the department of corrections. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed.

(a) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(b) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (a) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals. The conditions authorized under this subsection (14)(b) may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to subsection (10) of this section

occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.207 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.205. At any time prior to the completion of a sex offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to subsection (10) of this section be continued beyond the expiration of the offender's term of community custody as authorized in subsection (10)(c) of this section.

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(15) All offenders sentenced to terms involving community supervision, community service, or community placement under the supervision of the department of corrections shall not own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the appropriate violation process and sanctions. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.

(16) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(17) A departure from the standards in RCW 9.94A.400 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210 (2) through (6).

(18) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

(19) As a part of any sentence, the court may impose and enforce an order that relates directly to the circumstances of the crime for which the offender has been convicted, prohibiting the offender from having any contact with other specified individuals or a specific class of individuals for a period not to exceed the maximum allowable sentence for the crime, regardless of the expiration of the offender's term of community supervision or community placement.

(20) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to

participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(21) In any sentence of partial confinement, the court may require the defendant to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(22) All court-ordered legal financial obligations collected by the department and remitted to the county clerk shall be credited and paid where restitution is ordered. Restitution shall be paid prior to any other payments of monetary obligations.

Sec. 3. RCW 9.94A.310 and 1998 c 235 s 1 and 1998 c 211 s 3 are each reenacted and amended to read as follows:

(I) **TABLE 1**
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XV	Life Sentence without Parole/Death Penalty									
XIV	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XIII	14y4m 123- 220	15y4m 134- 234	16y2m 144- 244	17y 154- 254	17y11m 165- 265	18y9m 175- 275	20y5m 195- 295	22y2m 216- 316	25y7m 257- 357	29y 298- 397
XII	9y 93- 123	9y11m 102- 136	10y9m 111- 147	11y8m 120- 160	12y6m 129- 171	13y5m 138- 184	15y9m 162- 216	17y3m 178- 236	20y3m 209- 277	23y3m 240- 318
XI	7y6m 78- 102	8y4m 86- 114	9y2m 95- 125	9y11m 102- 136	10y9m 111- 147	11y7m 120- 158	14y2m 146- 194	15y5m 159- 211	17y11m 185- 245	20y5m 210- 280
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171

VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
	21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
	27	34	41	48	54	61	89	102	116	144
VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
	15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
	20	27	34	41	48	54	75	89	102	116
VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
	12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
	14	20	27	34	41	48	61	75	89	102
V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
	6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
	12	14	17	20	29	43	54	68	82	96
IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
	3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
	9	12	14	17	20	29	43	57	70	84
III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
	1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
	3	8	12	12	16	22	29	43	57	68
II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
	0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
	Days	6	9	12	14	18	22	29	43	57
I			3m	4m	5m	8m	13m	16m	20m	2y2m
	0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
	Days	Days	5	6	8	12	14	18	22	29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010

and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced

for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);

(c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

(7) An additional two years shall be added to the presumptive sentence for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Sec. 4. RCW 9.95.040 and 1993 c 144 s 4 and 1993 c 140 s 1 are each reenacted and amended to read as follows:

The board shall fix the duration of confinement for persons committed by the court before July 1, 1986, for crimes committed before July 1, 1984. Within six months after the admission of the convicted person to a state correctional facility, the board shall fix the duration of confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense of which the person was convicted or the maximum fixed by the court where the law does not provide for a maximum term.

Subject to RCW 9.95.047, the following limitations are placed on the board or the court for persons committed to a state correctional facility on or after July 1, 1986, for crimes committed before July 1, 1984, with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of law specifying a lesser sentence:

(1) For a person not previously convicted of a felony but armed with a deadly weapon at the time of the commission of the offense, the duration of confinement shall not be fixed at less than five years.

(2) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of the offense, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than three inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas.

(3) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of confinement shall not be fixed at less than fifteen years.

(4) Any person convicted of embezzling funds from any institution of public deposit of which the person was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Except when an inmate of a state correctional facility has been convicted of murder in the first or second degree, the board may parole an inmate prior to the expiration of a mandatory minimum term, provided such inmate has demonstrated a meritorious effort in rehabilitation and at least two-thirds of the board members concur in such action: PROVIDED, That any inmate who has a mandatory minimum term and is paroled prior to the expiration of such term according to the provisions of this chapter shall not receive a conditional release from supervision while on parole until after the mandatory minimum term has expired.

An inmate serving a sentence fixed under this chapter, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the secretary of corrections when authorized under RCW 9.94A.150(4).

Sec. 5. RCW 46.61.5055 and 1998 c 215 s 1, 1998 c 214 s 1, 1998 c 211 s 1, 1998 c 210 s 4, 1998 c 207 s 1 and 1998 c 206 s 1 are each reenacted and amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and

the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By suspension of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of ninety days. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall suspend the offender's license, permit, or privilege; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of one year. The period of license, permit, or privilege suspension may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving

notification of the conviction the department shall suspend the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of two years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred

unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of nine hundred days. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of three years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving

notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By revocation of the offender's license or permit to drive, or suspension of any nonresident privilege to drive, for a period of four years. The period of license, permit, or privilege revocation may not be suspended. The court shall notify the department of licensing of the conviction, and upon receiving notification of the conviction the department shall revoke the offender's license, permit, or privilege; and

(iv) By a court-ordered restriction under RCW 46.20.720.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether the person was driving or in physical control of a vehicle with one or more passengers at the time of the offense.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6) After expiration of any period of suspension or revocation of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(7)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock or other biological or technical device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(8) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.150(4).

(9) For purposes of this section:

(a) "Electronic home monitoring" shall not be considered confinement as defined in RCW 9.94A.030;

(b) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (b)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

Sec. 6. RCW 69.50.410 and 1975-'76 2nd ex.s. c 103 s 1 are each amended to read as follows:

(1) Except as authorized by this chapter it shall be unlawful for any person to sell for profit any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marihuana.

For the purposes of this section only, the following words and phrases shall have the following meanings:

(a) "To sell" means the passing of title and possession of a controlled substance from the seller to the buyer for a price whether or not the price is paid immediately or at a future date.

(b) "For profit" means the obtaining of anything of value in exchange for a controlled substance.

(c) "Price" means anything of value.

(2) Any person convicted of a violation of subsection (1) of this section shall receive a sentence of not more than five years in a correctional facility of the department of social and health services for the first offense. Any person convicted on a second or subsequent cause, the sale having transpired after prosecution and conviction on the first cause, of subsection (1) of this section shall receive a mandatory sentence of five years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for the second or subsequent violation of subsection (1) of this section.

(3) Any person convicted of a violation of subsection (1) of this section by selling heroin shall receive a mandatory sentence of two years in a correctional facility of the department of social and health services and no judge of any court

shall suspend or defer the sentence imposed for such violation. Any person convicted on a second or subsequent sale of heroin, the sale having transpired after prosecution and conviction on the first cause of the sale of heroin shall receive a mandatory sentence of ten years in a correctional facility of the department of social and health services and no judge of any court shall suspend or defer the sentence imposed for this second or subsequent violation: PROVIDED, That the indeterminate sentence review board ~~((of prison terms and paroles))~~ under RCW 9.95.040 shall not reduce the minimum term imposed for a violation under this subsection.

(4) Whether or not a mandatory minimum term has expired, an offender serving a sentence under this section may be granted an extraordinary medical placement when authorized under RCW 9.94A.150(4).

(5) In addition to the sentences provided in subsection (2) of this section, any person convicted of a violation of subsection (1) of this section shall be fined in an amount calculated to at least eliminate any and all proceeds or profits directly or indirectly gained by such person as a result of sales of controlled substances in violation of the laws of this or other states, or the United States, up to the amount of five hundred thousand dollars on each count.

~~((5))~~ (6) Any person, addicted to the use of controlled substances, who voluntarily applies to the department of social and health services for the purpose of participating in a rehabilitation program approved by the department for addicts of controlled substances shall be immune from prosecution for subsection (1) offenses unless a filing of an information or indictment against such person for a violation of subsection (1) of this section is made prior to his or her voluntary participation in the program of the department of social and health services. All applications for immunity under this section shall be sent to the department of social and health services in Olympia. It shall be the duty of the department to stamp each application received pursuant to this section with the date and time of receipt.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.401 ~~((as now or hereafter amended))~~.

NEW SECTION. Sec. 7. A new section is added to chapter 72.09 RCW to read as follows:

The secretary shall report annually to the legislature on the number of offenders considered for an extraordinary medical placement, the number of offenders who were granted such a placement, the number of offenders who were denied such a placement, the length of time between initial consideration and the placement decision for each offender who was granted an extraordinary medical placement, the number of offenders granted an extraordinary medical placement who were later returned to total confinement, and the cost savings realized by the state.

Passed the House April 19, 1999.
Passed the Senate April 6, 1999.
Approved by the Governor May 14, 1999.
Filed in Office of Secretary of State May 14, 1999.

CHAPTER 325

[Engrossed Second Substitute House Bill 1143]
INMATE FUNDS—DEDUCTIONS AND INTEREST

AN ACT Relating to deductions from inmate funds; amending RCW 72.09.480 and 72.09.111; adding a new section to chapter 70.48.RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 72.09.480 and 1998 c 261 s 2 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsection (6) of this section, receives any funds in addition to his or her wages or gratuities, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(3) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(4) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the

following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release.

(5) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(6) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(7) The interest earned on an inmate savings account created as a result of the plan in section 4 of this act shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

Sec. 2. RCW 72.09.111 and 1994 sp.s. c 7 s 534 are each amended to read as follows:

(1) The secretary shall deduct from the gross wages or gratuities of each inmate working in correctional industries work programs, taxes and legal financial obligations. The secretary shall develop a formula for the distribution of offender wages and gratuities.

(a) The formula shall include the following minimum deductions from class 1 gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account; and

(iii) Twenty percent to the department to contribute to the cost of incarceration.

(b) The formula shall include the following minimum deductions from class 11 gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account; and

(iii) Fifteen percent to the department to contribute to the cost of incarceration.

(c) The formula shall include the following minimum deduction from class IV gross gratuities: Five percent to the department to contribute to the cost of incarceration.

(d) The formula shall include the following minimum deductions from class III gratuities: Five percent for the purpose of crime victims' compensation.

Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under (a)(ii) or (b)(ii) of this subsection.

The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes 1, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

In the event that the offender worker's wages or gratuity is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(2) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(3) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs (~~until December 31, 2000, and thereafter all such funds shall be deposited in the general fund~~).

(4) The expansion of inmate employment in class 1 and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class 1 or class II

correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

(5) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

NEW SECTION. Sec. 3. A new section is added to chapter 70.48 RCW to read as follows:

A governing unit may require that each person who is booked at a city, county, or regional jail pay a fee of ten dollars to the sheriff's department of the county or police chief of the city in which the jail is located. The fee is payable immediately from any money then possessed by the person being booked, or any money deposited with the sheriff's department or city jail administration on the person's behalf. If the person has no funds at the time of booking or during the period of incarceration, the sheriff or police chief may notify the court in the county or city where the charges related to the booking are pending, and may request the assessment of the fee. Unless the person is held on other criminal matters, if the person is not charged, is acquitted, or if all charges are dismissed, the sheriff or police chief shall return the fee to the person at the last known address listed in the booking records.

NEW SECTION. Sec. 4. The secretary of corrections shall prepare a plan for depositing inmate savings account funds into an interest bearing account. The plan shall assume that the funds shall be deposited into a commingled account for all inmates and that the interest shall be paid in a manner pro rata to the inmate's share of the total deposits. The secretary shall present the plan to the governor and the

legislature not later than December 1, 1999. The plan shall minimize the costs of administering the account and the inmates shall receive interest at a rate not less than the passbook savings rate.

Passed the House April 23, 1999.

Passed the Senate April 13, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 326

[Second Substitute House Bill 1176]

SEXUALLY VIOLENT OFFENSES—RECORDS

AN ACT Relating to retention of records pertaining to sexually violent offenses; amending RCW 40.14.060, 40.14.070, and 42.17.310; and adding a new section to chapter 10.97 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 40.14.060 and 1982 c 36 s 5 are each amended to read as follows:

(1) Any destruction of official public records shall be pursuant to a schedule approved under RCW 40.14.050. Official public records shall not be destroyed unless:

(a) Except as provided under RCW 40.14.070(2)(b), the records are six or more years old;

(b) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly if lesser federal retention periods for records generated by the state under federal programs have been established; or

(c) The originals of official public records less than six years old have been copied or reproduced by any photographic or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

(2) Any lesser term of retention than six years must have the additional approval of the director of financial management, the state auditor and the attorney general, except when records have federal retention guidelines the state records committee may adjust the retention period accordingly. An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of six years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum

shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

Sec. 2. RCW 40.14.070 and 1995 c 301 s 71 are each amended to read as follows:

(1)(a) County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2)(a) Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

~~((1))~~ **(i)** The records are six or more years old;

~~((2))~~ **(ii)** The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

~~((3))~~ **(iii)** The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or

destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.17.020 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW.

Sec. 3. RCW 42.17.310 and 1998 c 69 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a

complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.140 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(hb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(nn) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(oo) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(pp) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 4. A new section is added to chapter 10.97 RCW to read as follows:

Nothing in RCW 40.14.060, 40.14.070, or 42.17.310 precludes dissemination of criminal history record information, including nonconviction data, for the purposes of this chapter.

Passed the House April 23, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 327

[Engrossed Substitute House Bill 1131]

PROSTITUTION—PATRONS

AN ACT Relating to persons who patronize prostitutes; amending RCW 9.68A.100 and 46.55.120; adding new sections to chapter 9A.88 RCW; creating a new section; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that most law enforcement effort to prevent prostitution is directed at punishing prostitutes. The legislature also finds that many patrons of prostitutes use motor vehicles in order to obtain the services of prostitutes and that successful prevention of prostitution involves efforts to curtail the demand for services offered by prostitutes. It is the intent of the legislature to decrease the demand for prostitution services and thereby eliminate the economic foundation for the prostitution industry. It is also the intent of the legislature to eliminate traffic congestion and other concerns to neighborhoods and business areas caused by patrons cruising in motor vehicles in areas of high prostitution activity.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.88 RCW to read as follows:

(1) When sentencing or imposing conditions on a person convicted of, or receiving a deferred sentence or deferred prosecution for, violating RCW 9A.88.110 or 9.68A.100, the court must impose a requirement that the offender:

(a) Not be subsequently arrested for patronizing a prostitute or patronizing a juvenile prostitute; and

(b) Remain outside the geographical area, prescribed by the court, in which the person was arrested for violating RCW 9A.88.110 or 9.68A.100, unless such a requirement would interfere with the person's legitimate employment or residence or otherwise be infeasible.

(2) This requirement is in addition to the penalties set forth in RCW 9A.88.110, 9A.88.120, and 9.68A.100.

NEW SECTION. Sec. 3. A new section is added to chapter 9A.88 RCW to read as follows:

(1) Upon an arrest for a suspected violation of patronizing a prostitute or patronizing a juvenile prostitute, the arresting law enforcement officer may impound the person's vehicle if (a) the motor vehicle was used in the commission of the crime; (b) the person arrested is the owner of the vehicle; and (c) the person arrested has previously been convicted of patronizing a prostitute, under RCW 9A.88.110, or patronizing a juvenile prostitute, under RCW 9.68A.100.

(2) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW.

Sec. 4. RCW 9.68A.100 and 1989 c 32 s 8 are each amended to read as follows:

A person is guilty of patronizing a juvenile prostitute if that person engages or agrees or offers to engage in sexual conduct with a minor in return for a fee, and is guilty of a class C felony punishable under chapter 9A.20 RCW. In addition to any other penalty provided under chapter 9A.20 RCW, a person guilty of patronizing a juvenile prostitute is subject to the provisions under sections 2 and 3 of this act.

Sec. 5. RCW 46.55.120 and 1998 c 203 s 5 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, ~~((or))~~ 46.55.113, or section 3 of this act may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (b) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking

into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (b) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420 and was being operated by the registered owner when it was impounded, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded that any penalties, fines, or forfeitures owed by him or her have been satisfied. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain

a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and

the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the Court located at in the sum of \$., in an action entitled, Case No. YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this day of, (year) . . .

Signature

Typed name and address
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

Passed the House April 19, 1999.
Passed the Senate April 6, 1999.
Approved by the Governor May 14, 1999.
Filed in Office of Secretary of State May 14, 1999.

CHAPTER 328

[House Bill 1442]

TRANSIT EMPLOYEES—ASSAULT

AN ACT Relating to assault on transit employees or customers; amending RCW 9A.36.031; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9A.36.031 and 1998 c 94 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver, the immediate supervisor of a transit operator or driver, a mechanic, or a security officer, by a public or private transit company or a contracted transit service provider, while that person is performing his or her official duties at the time of the assault; or

(c) Assaults a school bus driver, the immediate supervisor of a driver, a mechanic, or a security officer, employed by a school district transportation service or a private company under contract for transportation services with a school district, while the ~~((driver))~~ person is performing his or her official duties at the time of the assault; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a fire fighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person licensed under chapter 18.79 RCW; "physician" means a person licensed under chapter 18.57 or 18.71 RCW; and "health care provider" means a person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW.

(2) Assault in the third degree is a class C felony.

Passed the House April 21, 1999.
 Passed the Senate April 8, 1999.
 Approved by the Governor May 14, 1999.
 Filed in Office of Secretary of State May 14, 1999.

CHAPTER 329

[House Bill 1757]

DNA DATA BASE—VIOLENT AND SEX OFFENDERS

AN ACT Relating to DNA identification; amending RCW 43.43.754; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds it necessary to expand the current pool of convicted offenders who must have a blood sample drawn for purposes of DNA identification analysis. The legislature further finds that there is a high rate of recidivism among certain types of violent and sex offenders and that drawing blood is minimally intrusive. Creating an expanded DNA data bank bears a rational relationship to the public's interest in enabling law enforcement to better identify convicted violent and sex offenders who are involved in unsolved crimes, who escape to reoffend, and who reoffend after release.

Sec. 2. RCW 43.43.754 and 1994 c 271 s 402 are each amended to read as follows:

Every adult or juvenile individual convicted of a felony or adjudicated guilty of an equivalent juvenile offense defined as a sex offense under RCW 9.94A.030(~~((31))~~) (33)(a) or a violent offense as defined in RCW 9.94A.030 shall have a blood sample drawn for purposes of DNA identification analysis. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who are serving or who are to serve a term of confinement in a county jail or detention facility, the county shall be responsible for obtaining blood samples (~~((prior to release from))~~) either as part of the intake process into the county jail or detention facility for those persons convicted on or after the effective date of this act, or within a reasonable time after the effective date of this act for those persons incarcerated prior to the effective date of this act who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a division of juvenile rehabilitation facility, the facility holding the person shall be responsible for obtaining blood samples (~~((prior to release from))~~) either as part of the intake process into such facility for those persons convicted on or after the effective date of this act, or within a reasonable time after the effective date of this act for those persons incarcerated prior to the effective date of this act who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. Any blood sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be used solely for the purpose

of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

This section applies to all adults who are convicted after July 1, 1990; and to all adults who were convicted on or prior to July 1, 1990, and who are still incarcerated on or after the effective date of this act. This section applies to all juveniles who are adjudicated guilty after July 1, 1994; and to all juveniles who were adjudicated guilty on or prior to July 1, 1994, and who are still incarcerated on or after the effective date of this act.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 25, 1999.

Passed the Senate April 24, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 330

[House Bill 1849]

EXCEPTIONAL SENTENCES—IMPOSITION

AN ACT Relating to imposing an exceptional sentence; and amending RCW 9.94A.390.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9.94A.390 and 1997 c 52 s 4 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.127.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020 and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape.

(l) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

Passed the House April 19, 1999.

Passed the Senate April 8, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 331

[Substitute Senate Bill 5399]

SERIOUS TRAFFIC OFFENSES—PENALTIES

AN ACT Relating to traffic offenses; amending RCW 9.94A.360, 46.20.720, and 10.05.140; reenacting and amending RCW 46.20.308; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9.94A.360 and 1998 c 211 s 4 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense

that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense (~~or serious traffic offense,~~) count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction. (~~This subsection shall not apply when additional time is added to a sentence pursuant to RCW 46.61.520(2).)~~

(12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 2. RCW 46.20.308 and 1998 c 213 s 1, 1998 c 209 s 1, 1998 c 207 s 7, and 1998 c 41 s 4 are each reenacted and amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been

driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility in which a breath testing instrument is not present or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that:

(a) His or her license, permit, or privilege to drive will be revoked or denied if he or she refuses to submit to the test;

(b) His or her license, permit, or privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates the alcohol concentration of the person's breath or blood is 0.08 or more, in the case of a person age twenty-one or over, or in violation of RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a person under age twenty-one; and

(c) His or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the

person's breath or blood is 0.08 or more if the person is age twenty-one or over, or is in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date

of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required one hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required one hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had

been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a

stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense within the last five years for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual or proposed suspension, revocation, or denial for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 3. RCW 46.20.720 and 1998 c 210 s 2 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device.

(2) If a person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and it is: (a) The person's first conviction or a deferred prosecution under chapter 10.05 RCW and his or her alcohol concentration was at least 0.15, or by reason of the person's refusal to take a test

offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration; or (b) the person's second or subsequent conviction; or (c) the person's first conviction and the person has a previous deferred prosecution under chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05 RCW and the person has a previous conviction, the court shall order that after ((*) any applicable period of suspension, revocation, or denial of driving privileges, the person may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device. The court may waive the requirement for the use of such a device if the court makes a specific finding in writing that such devices are not reasonably available in the local area. Nothing in this section may be interpreted as entitling a person to more than one deferred prosecution.

(3) The court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction. In the case of a person under subsection (2) of this section, the period of time of the restriction will be as follows:

(a) For a person (i) who is subject to RCW 46.61.5055 (1)(b), (2), or (3), or who is subject to a deferred prosecution program under chapter 10.05 RCW, and (ii) who has not previously been restricted under this section, a period of not less than one year;

(b) For a person who has previously been restricted under (a) of this subsection, a period of not less than five years;

(c) For a person who has previously been restricted under (b) of this subsection, a period of not less than ten years.

For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.

Sec. 4. RCW 10.05.140 and 1997 c 229 s 2 are each amended to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition, the court ~~((may)) shall~~ also order the installation of an interlock or other device under RCW 46.20.720 for a petitioner who has previously been convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance or a petitioner who has been charged with such an offense and had an alcohol concentration of at least .15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration. For any other petitioner, the court may order the installation of an interlock device under RCW 46.20.720(1) as a condition of granting a deferred prosecution petition.

As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. The court may terminate the deferred prosecution program upon violation of this section.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the Senate April 22, 1999.

Passed the House April 16, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 332

[Substitute Senate Bill 5513]

EXECUTION WITNESSES

AN ACT Relating to execution witnesses; and amending RCW 10.95.185.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 10.95.185 and 1993 c 463 s 2 are each amended to read as follows:

(1) Not less than twenty days prior to a scheduled execution, judicial officers, law enforcement representatives, media representatives, representatives ~~((from))~~ of the families of the victims, and representatives from the family of the defendant who wish to attend and witness the execution, must submit an application to the superintendent. Such application must designate the relationship and reason for wishing to attend.

(2) Not less than fifteen days prior to the scheduled execution, the superintendent shall designate the total number of individuals who will be allowed to attend and witness the planned execution. The superintendent shall determine the number of witnesses that will be allowed in each of the following categories:

(a) No less than five media representatives with consideration to be given to news organizations serving communities affected by the crimes or by the commission of the execution of the defendant.

(b) Judicial officers.

(c) Representatives ~~((from))~~ of the families of the victims.

(d) Representatives from the family of the defendant.

(e) Up to two law enforcement representatives. The chief executive officer of the agency that investigated the crime shall designate the law enforcement representatives.

After the list is composed, the superintendent shall serve this list on all parties who have submitted an application pursuant to this section. The superintendent shall develop and implement procedures to determine the persons within each of

the categories listed in this subsection who will be allowed to attend and witness the execution.

(3) Not less than ten days prior to the scheduled execution, the superintendent shall file the witness list with the superior court from which the conviction and death warrant was issued with a petition asking that the court enter an order certifying this list as a final order identifying the witnesses to attend the execution. The final order of the court certifying the witness list shall not be entered less than five days after the filing of the petition.

(4) Unless a show cause petition is filed with the superior court from which the conviction and death warrant was issued within five days of the filing of the superintendent's petition, the superintendent's list, by order of the superior court, becomes final, and no other party has standing to challenge its appropriateness.

(5) In no case may the superintendent or the superior court order or allow more than seventeen individuals other than required staff to witness a planned execution.

(6) All witnesses must adhere to the search and security provisions of the department of corrections' policy regarding the witnessing of an execution.

(7) The superior court from which the conviction and death warrant was issued is the exclusive court for seeking judicial process for the privilege of attending and witnessing an execution.

(8) For purposes of this section:

(a) "Judicial officer" means: (i) The superior court judge who signed the death warrant issued pursuant to RCW 10.95.160 for the execution of the individual, (ii) the current prosecuting attorney or a deputy prosecuting attorney of the county from which the final judgment and sentence and death warrant were issued, and (iii) the most recent attorney of record representing the individual sentenced to death.

(b) "Law enforcement representatives" means those law enforcement officers responsible for investigating the crime for which the defendant was sentenced to death.

(c) "Media representatives" means representatives ((members)) from news organizations of all forms of media serving the state.

~~(((e))) (d) "Representatives ((from the family of the victim" means a representative from the immediate family of a victim)) of the families of the victims" means representatives from the immediate families of the victim(s) of the individual sentenced to death, including victim advocates of the immediate family members. Victim advocates shall include any person working or volunteering for a recognized victim advocacy group or a prosecutor-based or law enforcement-based agency on behalf of victims or witnesses.~~

~~(((d))) (e) "Representative from the family of the defendant" means a representative from the immediate family of the individual sentenced to death.~~

~~(((e))) (f) "Superintendent" means the superintendent of the Washington state penitentiary.~~

Passed the Senate April 21, 1999.
Passed the House April 7, 1999.
Approved by the Governor May 14, 1999.
Filed in Office of Secretary of State May 14, 1999.

CHAPTER 333

[Substitute House Bill 1113]
OCCUPATIONAL THERAPY

AN ACT Relating to the practice of occupational therapy; and amending RCW 18.59.020, 18.59.031, and 18.59.100.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 18.59.020 and 1991 c 3 s 153 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of occupational therapy practice.

(2) "Occupational therapy" is the scientifically based use of purposeful activity with individuals who are limited by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities, or the aging process in order to maximize independence, prevent disability, and maintain health. The practice encompasses evaluation, treatment, and consultation. Specific occupational therapy services include but are not limited to: Using specifically designed activities and exercises to enhance neurodevelopmental, cognitive, perceptual motor, sensory integrative, and psychomotor functioning; administering and interpreting tests such as manual muscle and sensory integration; teaching daily living skills; developing prevocational skills and play and avocational capabilities; designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment; and adapting environments for the handicapped. These services are provided individually, in groups, or through social systems.

(3) "Occupational therapist" means a person licensed to practice occupational therapy under this chapter.

(4) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision or with the regular consultation of an occupational therapist.

(5) "Occupational therapy aide" means a person who is trained to perform specific occupational therapy techniques under professional supervision as defined by the board but who does not perform activities that require advanced training in the sciences or practices involved in the profession of occupational therapy.

(6) "Occupational therapy practitioner" means a person who is credentialed as an occupational therapist or occupational therapy assistant.

~~(7)~~ "Person" means any individual, partnership, unincorporated organization, or corporate body, except that only an individual may be licensed under this chapter.

~~((7))~~ ~~(8)~~ "Department" means the department of health.

~~((8))~~ ~~(9)~~ "Secretary" means the secretary of health.

Sec. 2. RCW 18.59.031 and 1987 c 150 s 44 are each amended to read as follows:

No person may practice or represent himself or herself as an occupational ~~((therapist))~~ therapy practitioner without first having a valid license to do so.

Sec. 3. RCW 18.59.100 and 1986 c 259 s 101 are each amended to read as follows:

An occupational therapist shall, after evaluating a patient and if the case is a medical one, refer the case to a physician for appropriate medical direction if such direction is lacking. Treatment by an occupational therapist of such a medical case may take place only upon the referral of a physician ~~((or podiatrist)), osteopathic physician, podiatric physician and surgeon, naturopath, chiropractor, physician assistant, psychologist, or advanced registered nurse practitioner~~ licensed to practice ~~((medicine))~~ in this state.

Passed the House March 4, 1999.

Passed the Senate April 13, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 334

[House Bill 1539]

MEDICARE SUPPLEMENT INSURANCE--REPLACING POLICIES

AN ACT Relating to medicare supplement policies; amending RCW 48.66.045; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 48.66.045 and 1995 c 85 s 3 are each amended to read as follows:

Every issuer of a medicare supplement insurance policy or certificate providing coverage to a resident of this state issued on or after January 1, 1996, shall:

(1) Issue coverage under its standardized benefit plans B, C, D, E, F, and G without evidence of insurability to any resident of this state who is eligible for both medicare hospital and physician services by reason of age or by reason of disability or end-stage renal disease, if the medicare supplement policy replaces another medicare supplement standardized benefit plan policy or certificate B, C, D, E, F, or G, or other more comprehensive coverage than the ~~((replaced))~~ replacing policy;

(2) Issue coverage under its standardized plans A, H, I, and J without evidence of insurability to any resident of this state who is eligible for both medicare

hospital and physician services by reason of age or by reason of disability or end-stage renal disease, if the medicare supplement policy replaces another medicare supplement policy or certificate which is the same standardized plan as the replaced policy; and

(3) Set rates only on a community-rated basis. Premiums shall be equal for all policyholders and certificate holders under a standardized medicare supplement benefit plan form, except that an issuer may develop no more than two rating pools that distinguish between an insured's eligibility for medicare by reason of:

- (a) Age; or
- (b) Disability or end-stage renal disease.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House March 8, 1999.

Passed the Senate April 25, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 335

[Substitute House Bill 1864]

SURGICAL TECHNOLOGISTS—REGISTRATION

AN ACT Relating to the registration of surgical technologists; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The registration of surgical technologists is in the interest of the public health, safety, and welfare.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health or the secretary's designee.

(3) "Surgical technologist" means a person, regardless of title, who is supervised in the surgical setting under the delegation of authority of a health care practitioner acting within the scope of his or her license and under the laws of this state.

NEW SECTION. Sec. 3. No person may represent oneself as a surgical technologist by use of any title or description without being registered by the department under the provisions of this chapter.

NEW SECTION. Sec. 4. Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of an individual licensed, certified, or registered under the laws of this state and performing services within his or her authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor.

NEW SECTION. Sec. 5. In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW as required to implement this chapter;

(2) Establish all registration and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Register an applicant or deny registration based upon unprofessional conduct or impairment governed by the uniform disciplinary act, chapter 18.130 RCW;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter; and

(6) Maintain the official department record of all applicants and persons with registrations.

NEW SECTION. Sec. 6. An applicant shall identify the name and address of the applicant and other information required by the secretary necessary to establish whether there are grounds for denial of a registration or conditional registration under chapter 18.130 RCW.

NEW SECTION. Sec. 7. The secretary shall register an applicant on forms provided by the secretary. Each applicant shall pay a fee determined by the secretary under RCW 43.70.250. The fee shall accompany the application.

NEW SECTION. Sec. 8. The secretary shall establish by rule the procedural requirements and fees for renewal of registration. Failure to renew shall invalidate the registration and all privileges granted by the registration.

NEW SECTION. Sec. 9. The uniform disciplinary act, chapter 18.130 RCW, governs unregistered practice, the issuance and denial of registration, and the discipline of persons registered under this chapter. The secretary shall be the disciplining authority under this chapter.

Sec. 10. RCW 18.130.040 and 1998 c 243 s 16 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters

specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists licensed under chapter 18.06 RCW;
- (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
- (ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
- (x) Persons registered or certified under chapter 18.19 RCW;
- (xi) Persons registered as nursing pool operators under chapter 18.52C RCW;
- (xii) Nursing assistants registered or certified under chapter 18.88A RCW;
- (xiii) Health care assistants certified under chapter 18.135 RCW;
- (xiv) Dietitians and nutritionists certified under chapter 18.138 RCW;
- (xv) Chemical dependency professionals certified under chapter 18.205 RCW;
- (xvi) Sex offender treatment providers certified under chapter 18.155 RCW;
- (xvii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
- (xviii) Persons registered as adult family home providers and resident managers under RCW 18.48.020;
- (xix) Denturists licensed under chapter 18.30 RCW; ~~(and)~~
- (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW; and
- (xxi) Surgical technologists registered under chapter 18,— RCW (sections 1 through 9 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
- (iii) The dental quality assurance commission as established in chapter 18.32 RCW;
- (iv) The board of hearing and speech as established in chapter 18.35 RCW;
- (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act constitute a new chapter in Title 18 RCW.

Passed the House March 11, 1999.

Passed the Senate April 12, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 336

[Substitute House Bill 1880]

DISABLED PERSONS—SELF-DIRECTED CARE

AN ACT Relating to providing for self-directed care of persons with disabilities; amending RCW 74.39A.050 and 43.20A.710; adding new sections to chapter 74.39 RCW; adding a new section to chapter 74.34 RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The legislature finds that certain aspects of health licensure laws have the unintended consequence of limiting the right of persons with functional disabilities to care for themselves in their own home, and of securing assistance from other persons in performing routine health-related tasks that persons without these disabilities customarily perform.

(2) It is the intent of the legislature to clarify the right of adults with functional disabilities to choose to self-direct their own health-related tasks through personal aides, and to describe the circumstances under which self-directed care may take place in the home setting. The legislature declares that it is in the public interest to preserve the autonomy and dignity of persons with functional disabilities to care for themselves in their own homes, among the continuum of options for health care services where the judgment and control over the care rests with the individual.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 1 through 4 and 8 of this act and RCW 43.190.060 unless the context clearly requires otherwise.

(1) "Self-directed care" means the process in which an adult person, who is prevented by a functional disability from performing a manual function related to health care that an individual would otherwise perform for himself or herself, chooses to direct and supervise a paid personal aide to perform those tasks.

(2) "Personal aide" means an individual, working privately or as an individual provider under contract or agreement with the department of social and health services, who acts at the direction of an adult person with a functional disability living in his or her own home and provides that person with health care services that a person without a functional disability can perform.

NEW SECTION. Sec. 3. (1) An adult person with a functional disability living in his or her own home may direct and supervise a paid personal aide in the performance of a health care task.

(2) The following requirements shall guide the provision of self-directed care under this act:

(a) Health care tasks are those medical, nursing, or home health services that enable the person to maintain independence, personal hygiene, and safety in his or her own home, and that are services that a person without a functional disability would customarily and personally perform without the assistance of a licensed health care provider.

(b) The individual who chooses to self-direct a health care task is responsible for initiating self-direction by informing the health care professional who has ordered the treatment which involves that task of the individual's intent to perform that task through self-direction.

(c) When state funds are used to pay for self-directed tasks, a description of those tasks will be included in the client's comprehensive assessment, and subject to review with each annual reassessment.

(d) When a licensed health care provider orders treatment involving a health care task to be performed through self-directed care, the responsibility to ascertain that the patient understands the treatment and will be able to follow through on the self-directed care task is the same as it would be for a patient who performs the health care task for himself or herself, and the licensed health care provider incurs no additional liability when ordering a health care task which is to be performed through self-directed care.

(e) The role of the personal aide in self-directed care is limited to performing the physical aspect of health care tasks under the direction of the person for whom the tasks are being done. This shall not affect the ability of a personal aide to provide other home care services, such as personal care or homemaker services, which enable the client to remain at home.

(f) The responsibility to initiate self-directed health care tasks, to possess the necessary knowledge and training for those tasks, and to exercise judgment regarding the manner of their performance rests and remains with the person who has chosen to self-direct those tasks, including the decision to employ and dismiss a personal aide.

NEW SECTION. Sec. 4. Any individual who, for compensation, serves as a personal aide provider under contract or agreement with the department of social and health services, to a person who self-directs his or her own care in his or her own home, shall register with the department of social and health services.

Sec. 5. RCW 74.39A.050 and 1998 c 85 s 1 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing inspections, the department shall interview an appropriate percentage of residents, family members, resident managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of

remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.

(8) No provider or staff, or prospective provider or staff, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about personal care aides identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information.

(10) The department shall by rule develop training requirements for individual providers and home care agency providers. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirement within the time limit specified by the department by rule.

(11) The department shall establish, by rule, training, background checks, and other quality assurance requirements for personal aides who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

(12) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

~~((10))~~ (13) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with

appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

NEW SECTION. Sec. 6. A new section is added to chapter 74.34 RCW to read as follows:

For the purposes of this chapter, the term "vulnerable adult" includes persons receiving services from any individual who for compensation serves as a personal aide to a person who self-directs his or her own care in his or her home under this act.

Sec. 7. RCW 43.20A.710 and 1997 c 392 s 525 are each amended to read as follows:

(1) The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of:

(a) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or individuals with mental illness or developmental disabilities; and

(b) Individual providers who are paid by the state for in-home services and hired by individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment, including but not limited to services provided under chapter 74.39A RCW.

(2) The investigation may include an examination of state and national criminal identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) The secretary shall provide the results of the state background check on individual providers to the individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment or to their legal guardians, if any, for their determination of the character, suitability, and competence of the

applicants. If an individual elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from employment with the department, then the secretary (~~may~~) shall deny payment for any subsequent services rendered by the disqualified individual provider.

(4) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

NEW SECTION. Sec. 8. A personal aide, in the performance of a health care task, who is directed and supervised by a person with a functional disability in his or her own home, is exempt from any legal requirement to qualify and be credentialed by the department of health as a health care provider under Title 18 RCW to the extent of the responsibilities provided and health care tasks performed under this act.

NEW SECTION. Sec. 9. (1) To the extent that funds are appropriated for this purpose, the University of Washington school of nursing shall study the implementation of this act as it relates to self-directed care performed for persons receiving services through department of social and health services' programs, and submit a report to the legislature by November 1, 2001, to include findings as well as any recommendations for improvements to this act. If there are not sufficient numbers of consumers who have elected self-directed care in order for the study to be completed by November 1, 2001, the study deadline shall be extended as necessary, but not to exceed one year.

(2) The study shall be performed in consultation with the governor's committee on disability issues and employment, and the departments of health and social and health services. The report shall include data, to the extent reasonably available, on the following:

- (a) Consumer satisfaction with self-directed care, including consumer perception of the degree of autonomy, self-determination, and choice afforded;
- (b) Service quality and consumer safety, as determined by consumers and quantifiable outcomes such as rate of hospitalization or other facility placement;
- (c) Number of personal aides who have been found to have abused or neglected consumers;
- (d) Consumer outcomes in emergency situations such as abandonment, abuse, neglect, or exploitation by personal aide; and
- (e) Whether coercion is a factor in consumers requesting self-directed care, or with personal aides performing self-directed care tasks.

NEW SECTION. Sec. 10. Sections 2 through 4 and 8 of this act are each added to chapter 74.39 RCW.

Passed the House April 19, 1999.

Passed the Senate April 17, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 337

[Substitute House Bill 1992]

EPINEPHRINE ADMINISTRATION—KRISTINE KASTNER ACT

AN ACT Relating to the emergency administration of epinephrine; adding a new section to chapter 18.73 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that allergies are a serious medical disorder that affect more than one in five persons in the United States and are the sixth leading cause of chronic disease. Anaphylaxis is the most severe form of allergic reaction. Rapid and appropriate administration of the drug epinephrine to a patient suffering an anaphylaxis allergic reaction may make the difference between the life and death of that patient. The legislature further finds that some situations may arise when the administration of epinephrine by an emergency medical technician is required to save a person's life and that it is paramount that these valuable emergency response personnel receive the appropriate training on the use of epinephrine to treat anaphylaxis.

It is the purpose of this act to investigate the rate of anaphylaxis state-wide and the training and care standards needed to allow emergency medical technicians to administer life saving epinephrine.

NEW SECTION. Sec. 2. Using existing data and resources, the department of health, in cooperation with the house of representatives health care committee and the senate committee on health and long-term care, shall review the use of epinephrine for anaphylaxis by emergency medical personnel and report to the appropriate committees of the legislature by December 12, 1999. The report shall determine the following:

(1) An estimate of the total number of expected incidents of anaphylaxis state-wide, grouped by age;

(2) The approximate education and training costs associated with preparing emergency medical systems personnel to carry and administer a prefilled measured dose of 1:1000 epinephrine for anaphylaxis;

(3) Any mitigating circumstances for the use of 1:1000 epinephrine by certified emergency medical systems personnel, including but not limited to, age factors, on-line versus off-line protocols, and specific signs and symptoms present before drug administration.

NEW SECTION. Sec. 3. The department of health shall establish a pilot program to determine the effectiveness of training emergency medical technicians to carry and administer epinephrine to persons under age thirty who display symptoms of anaphylaxis. When a pilot program is established, the department shall establish a voluntary technical advisory committee to advise the department in the development and review of the program. The technical advisory committee shall include appropriate state-wide organizations that represent emergency care

personnel, individuals that are trained in pediatric emergency medicine, and board-certified allergists. The technical advisory committee shall assist the department of health in assessing the pilot project and reporting to the appropriate committees of the legislature by December 12, 1999.

NEW SECTION. Sec. 4. A new section is added to chapter 18.73 RCW to read as follows:

(1) All of the state's ambulance and aid services shall make epinephrine available to their emergency medical technicians in their emergency care supplies. The emergency medical technician may administer epinephrine to a patient of any age upon the presentation of evidence of a prescription for epinephrine or to a patient under eighteen years of age:

- (a) Upon the request of the patient or his or her parent or guardian; or
- (b) Upon the request of a person who presents written authorization from the patient or his or her parent or guardian making such a request.

(2) Any emergency medical technician, emergency medical service, or medical program director acting in good faith and in compliance with the provisions of this section shall not be liable for any civil damages arising out of the furnishing or administration of epinephrine.

(3) Nothing in this section authorizes the administration of epinephrine by a first responder.

(4) This section shall expire December 31, 2001.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 4 of this act which takes effect January 1, 2000.

NEW SECTION. Sec. 6. This act may be known and cited as the Kristine Kastner Act.

Passed the House April 20, 1999.

Passed the Senate April 13, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 338

[Substitute House Bill 1619]

FOSTER PARENTS—PROPERTY DAMAGE REIMBURSEMENT

AN ACT Relating to foster parents; adding a new section to chapter 74.13 RCW; creating new sections; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes that Washington state is experiencing a significant shortage of quality foster homes and that the majority of children entering the system are difficult to place due to their complex needs.

The legislature intends to provide additional assistance to those families willing to serve as foster parents.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

Within available funds and subject to such conditions and limitations as may be established by the department or by the legislature in the omnibus appropriations act, the department of social and health services shall reimburse foster parents for property damaged or destroyed by foster children placed in their care. The department shall establish by rule a maximum amount that may be reimbursed for each occurrence. The department shall reimburse the foster parent for the replacement value of any property covered by this section. If the damaged or destroyed property is covered and reimbursed under an insurance policy, the department shall reimburse foster parents for the amount of the deductible associated with the insurance claim, up to the limit per occurrence as established by the department.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void.

****NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.***

***Sec. 4 was vetoed. See message at end of chapter.**

Passed the House April 20, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 14, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 14, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 4, Substitute House Bill No. 1619 entitled:

"AN ACT Relating to foster parents;"

Substitute House Bill No. 1619 requires the Department of Social and Health Services (DSHS) to reimburse foster parents for the replacement value of property damaged or destroyed by foster children in their care. It requires DSHS to develop rules regarding the maximum amount that may be reimbursed for each occurrence.

Section 4 of the bill would have required the program to begin by July 1, 1999. Unfortunately, there is not adequate time between now and July 1, 1999 for DSHS to make the rules necessary to implement this legislation.

For these reasons I have vetoed section 4 of Substitute House Bill No. 1619.

With the exception of section 4, Substitute House Bill No. 1619 is approved."

CHAPTER 339

[House Bill 1810]

CHILD ABUSE—NEAR FATALITY DISCLOSURE

AN ACT Relating to technical amendments concerning the child abuse protection and treatment act; amending RCW 74.13.500; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.13.500 and 1997 c 305 s 2 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.17 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse ~~((or)),~~ neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House March 5, 1999.
Passed the Senate April 25, 1999.
Approved by the Governor May 14, 1999.
Filed in Office of Secretary of State May 14, 1999.

CHAPTER 340

[House Bill 1936]

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES—EMPLOYABILITY SCREENS

AN ACT Relating to employability screens for recipients of temporary assistance for needy families; and adding a new section to chapter 74.08A RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 74.08A RCW to read as follows:

Each recipient approved to receive temporary assistance for needy families shall be subject to an employability screening after determination of program eligibility and before referral to job search. If the employability screening determines the recipient is not employable, or meets the criteria specified in RCW 74.08A.270 for a good cause exemption to work requirements, the department shall defer the job search requirement under RCW 74.08A.285 and refer the recipient immediately to the assessment procedure required under RCW 74.08A.260.

Passed the House March 9, 1999.
Passed the Senate April 21, 1999.
Approved by the Governor May 14, 1999.
Filed in Office of Secretary of State May 14, 1999.

CHAPTER 341

[Substitute House Bill 1701]

RECREATION RESOURCE ACCOUNT—DREDGING OF MARINE RECREATION LAND

AN ACT Relating to the recreation resource account; and amending RCW 43.99.080.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.99.080 and 1995 c 166 s 5 are each amended to read as follows:

Moneys transferred to the recreation resource account from the marine fuel tax refund account may be used when appropriated by the legislature, as well as any federal or other funds now or hereafter available, to pay the necessary administrative and coordinative costs of the interagency committee for outdoor recreation established by RCW 43.99.110. All moneys so transferred, except those appropriated as aforesaid, shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

(1) One share as grants to state agencies for (a) acquisition of title to, or any interests or rights in, marine recreation land, (b) capital improvement and renovation of marine recreation land, including periodic dredging in accordance

with subsection (3) of this section, if needed, to maintain or make the facility more useful, or (c) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (a) or (b) of this subsection;

(2) One share as grants to public bodies to help finance (a) acquisition of title to, or any interests or rights in, marine recreation land, or (b) capital improvement and renovation of marine recreation land, including periodic dredging in accordance with subsection (3) of this section, if needed, to maintain or make the facility more useful. A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (a) or (b) of this subsection. The committee may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this chapter.

(3) For the purposes of this section "periodic dredging" is limited to dredging of materials that have been deposited in a channel due to unforeseen events. This dredging should extend the expected usefulness of the facility for at least five years.

Passed the House March 10, 1999.

Passed the Senate April 22, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 342

[Second Substitute House Bill 1871]

SALMON STAMPS

AN ACT Relating to salmon stamps; adding new sections to chapter 77.12 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that salmon recovery in Washington state will involve everyone and will require funds to accomplish recovery measures. Several species of salmon in Washington are, or are expected to be, listed as threatened or endangered under the federal endangered species act. At present, these species include chinook, chum, bull trout and coho. To bring attention to the importance of the recovery of salmon and their place in Washington's heritage, raise funds for salmon recovery projects, and involve citizens of all ages, the Washington salmon stamp and Washington junior salmon stamp programs are created.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 2 through 7 of this act unless the context clearly requires otherwise.

(1) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in this title, and includes:

Scientific Name	Common Name
Oncorhynchus tshawytscha	Chinook salmon
Oncorhynchus kisutch	Coho salmon
Oncorhynchus keta	Chum salmon
Oncorhynchus gorbuscha	Pink salmon
Oncorhynchus nerka	Sockeye salmon

(2) "Department" means the department of fish and wildlife.

(3) "Committee" means the salmon stamp selection committee created in section 5 of this act.

(4) "Stamp" means the stamp created under the Washington salmon stamp program and the Washington junior salmon stamp program, created in sections 2 through 7 of this act.

NEW SECTION. Sec. 3. (1) The Washington salmon stamp program is created in the department. The purpose of the program is the creation of a stamp that will portray a salmonid species native to Washington and will be used for stamps, prints, and posters that can be sold in a wide range of prices and editions to appeal to citizens and collectors interested in supporting salmon restoration. The proceeds from the sale of the Washington salmon stamp shall be used for protection, preservation, and restoration of salmonid habitat in Washington.

(2) Every year the department will announce competition, open to all Washington artists, for the creation of the year's Washington salmon stamp. The department will market the stamp and prints through a wide distribution method including web sites, license sites, and at public events.

(3) The winning artist will receive a monetary award and a certain number of artist proof prints.

NEW SECTION. Sec. 4. (1) The Washington junior salmon stamp program is created in the department. The purpose of the program is the creation of a stamp that will portray a salmonid species native to Washington and will be used for stamps, prints, and posters that can be sold in a wide range of prices and editions to appeal to citizens and collectors interested in supporting salmon restoration.

(2) Every year the department will announce a competition for the Washington junior salmon stamp program among Washington K-12 students. The top winner will receive a scholarship award.

NEW SECTION. Sec. 5. The salmon stamp selection committee is created. The committee is comprised of five individuals selected by the governor who will judge and select the winning entrant for the Washington salmon stamp program and Washington junior salmon stamp program. The governor will select names from a collection of names forwarded from the department and from the state arts commission in the following categories: Artist, not competing in the salmon stamp program; art collector; fish biologist; printer; and public school teacher.

NEW SECTION. Sec. 6. All receipts from the salmon stamp program created under sections 2 through 7 of this act must be deposited into the regional fisheries

enhancement salmonid recovery account created under RCW 75.50.125. Expenditures from the account may be used only for the purposes specified in RCW 75.50.125 and this act. The department shall report biennially to the legislature on the amount of money the salmon stamp program has generated.

NEW SECTION. Sec. 7. The department is granted the authority to establish by rule the method for selecting appropriate designs for the Washington salmon stamp program and Washington junior salmon stamp program. The stamp shall be designed and produced in accordance with department rules.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 77.12 RCW.

Passed the House March 12, 1999.

Passed the Senate April 22, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 343

[Second Substitute House Bill 1132]

CAPITOL FURNISHINGS PRESERVATION COMMITTEE

AN ACT Relating to the capitol furnishings preservation committee; adding a new section to chapter 27.48 RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 42.52 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that those historic furnishings that illustrate the history of the state of Washington should be maintained and preserved for the use and benefit of the people of the state. It is the purpose of this act to establish the capitol furnishings preservation committee to increase the awareness of the public and state employees about the significance of the furnishings within the state capitol campus buildings as envisioned by the original architects Wilder and White.

NEW SECTION. Sec. 2. A new section is added to chapter 27.48 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply throughout this section.

(a) "State capitol group" includes the legislative building, the insurance building, the Cherberg building, the John L. O'Brien building, the Newhouse building, and the temple of justice building.

(b) "Historic furnishings" means furniture, fixtures, and artwork fifty years of age or older.

(2) The capitol furnishings preservation committee is established to promote and encourage the recovery and preservation of the original and historic furnishings of the state capitol group, prevent future loss of historic furnishings, and review and advise future remodeling and restoration projects as they pertain

to historic furnishings. The committee's authority does not extend to the placement of any historic furnishings within the state capitol group.

(3) The capitol furnishings preservation committee account is created in the custody of the state treasurer. All receipts designated for the account from appropriations and from other sources must be deposited into the account. Expenditures from the account may be used only to finance the activities of the capitol furnishings preservation committee. Only the director of the Washington state historical society or the director's designee may authorize expenditures from the account when authorized to do so by the committee. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) The committee may:

(a) Authorize the director of the Washington state historical society or the director's designee to expend funds from the capitol furnishings preservation committee account for limited purposes of purchasing and preserving historic furnishings of the state capitol group;

(b) Accept monetary donations, grants, and donations of historic furnishings from, but not limited to, (i) current and former legislators, state officials, and lobbyists; (ii) the families of former legislators, state officials, and lobbyists; and (iii) the general public. Moneys received under this section must be deposited in the capitol furnishings preservation committee account; and

(c) Engage in or encourage fund raising activities including the solicitation of charitable gifts, grants, or donations specifically for the limited purpose of the recovery of the original and historic furnishings.

(5) The membership of the committee shall include: Two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives; two members of the senate, one from each major caucus, appointed by the president of the senate; the chief clerk of the house of representatives; the secretary of the senate; the governor or the governor's designee; the lieutenant governor or the lieutenant governor's designee; a representative from the office of the secretary of state, the office of the state treasurer, the office of the state auditor, and the office of the insurance commissioner; a representative from the supreme court; a representative from the Washington state historical society, the department of general administration, and the Thurston county planning council, each appointed by the governor; and three private citizens, appointed by the governor.

(6) Original or historic furnishings from the state capitol group are not surplus property under chapter 43.19 RCW or other authority unless designated as such by the committee.

NEW SECTION. Sec. 3. A new section is added to chapter 43.19 RCW to read as follows:

Original or historic furnishings from the state capitol group under section 2 of this act do not constitute surplus property under this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 42.52 RCW to read as follows:

When soliciting charitable gifts, grants, or donations solely for the limited purposes of section 2 of this act, members of the capitol furnishings preservation committee are exempt from the laws of this chapter.

Passed the House April 20, 1999.

Passed the Senate April 6, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.

CHAPTER 344

[Substitute House Bill 1015]

WESTERN UNDERGRADUATE EXCHANGE PROGRAM

AN ACT Relating to the western interstate commission for higher education western undergraduate exchange program; amending RCW 28B.15.910; adding a new section to chapter 28B.15 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that policies that encourage regional planning and access to higher education benefit both the students and the state. Such policies improve access, reduce unnecessary duplication, and make higher education more cost-effective. The western undergraduate exchange program, coordinated by the western interstate commission for higher education is a program through which students in participating states may enroll in designated institutions in other participating states at a special, reduced tuition level. During the 1998-99 school year institutions in fifteen western states participated in the western undergraduate exchange program, including Washington's bordering states of Oregon and Idaho. Eastern Washington University participated on a pilot basis. It is the intent of the legislature to permit Washington's institutions of higher education to participate in the western undergraduate exchange program.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.15 RCW to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of Washington State University, Eastern Washington University, and Central Washington University may waive all or a portion of the difference between fifty percent of the resident tuition and fees amount and the nonresident tuition fees differential for nonresident students who enroll under the western interstate commission for higher education western undergraduate exchange program.

Sec. 3. RCW 28B.15.910 and 1998 c 346 s 904 are each amended to read as follows:

(1) Except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted,

or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue (~~(set forth below)~~) in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- | | |
|-----------------------------------|------------|
| (a) University of Washington | 21 percent |
| (b) Washington State University | 20 percent |
| (c) Eastern Washington University | 11 percent |
| (d) Central Washington University | 8 percent |
| (e) Western Washington University | 10 percent |
| (f) The Evergreen State College | 6 percent |
| (g) Community colleges as a whole | 35 percent |
- (2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:
- (a) RCW 28B.10.265;
 - (b) RCW 28B.15.014;
 - (c) RCW 28B.15.100;
 - (d) RCW 28B.15.225;
 - (e) RCW 28B.15.380;
 - (f) RCW 28B.15.520;
 - (g) RCW 28B.15.526;
 - (h) RCW 28B.15.527;
 - (i) RCW 28B.15.543;
 - (j) RCW 28B.15.545;
 - (k) RCW 28B.15.555;
 - (l) RCW 28B.15.556;
 - (m) RCW 28B.15.615;
 - (n) RCW 28B.15.620;
 - (o) RCW 28B.15.628;
 - (p) RCW 28B.15.730;
 - (q) RCW 28B.15.740;
 - (r) RCW 28B.15.750;
 - (s) RCW 28B.15.756;
 - (t) RCW 28B.50.259;
 - (u) RCW 28B.70.050;
 - (v) RCW 28B.80.580; and
 - (w) During the 1997-99 fiscal biennium, the western interstate commission for higher education undergraduate exchange program for students attending Eastern Washington University.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under section 2 of this act shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- | | |
|------------------------------------------|------------------|
| <u>(a) Washington State University</u> | <u>1 percent</u> |
| <u>(b) Eastern Washington University</u> | <u>3 percent</u> |
| <u>(c) Central Washington University</u> | <u>3 percent</u> |

Passed the House March 9, 1999.

Passed the Senate April 6, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 345

[Second Substitute House Bill 1140]

HIGHER EDUCATION—NEED GRANTS

AN ACT Relating to higher education; amending RCW 28B.10.800, 28B.10.804, 28B.10.806, 28B.10.808, 28B.10.810, and 28B.10.822; and adding a new section to chapter 28B.10 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The legislature finds that the higher education coordinating board, in consultation with the higher education community, has completed a review of the state need grant program. It is the intent of the legislature to endorse the board's proposed changes to the state need grant program, including:

(a) Reaffirmation that the primary purpose of the state need grant program is to assist low-income, needy, and disadvantaged Washington residents attending institutions of higher education;

(b) A goal that the base state need grant amount over time be increased to be equivalent to the rate of tuition charged to resident undergraduate students attending Washington state public colleges and universities;

(c) State need grant recipients be required to contribute a portion of the total cost of their education through self-help;

(d) State need grant recipients be required to document their need for dependent care assistance after taking into account other public funds provided for like purposes; and

(e) Institutional aid administrators be allowed to determine whether a student eligible for a state need grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than a marginal amount.

(2) The legislature further finds that the higher education coordinating board, under its authority to implement the proposed changes in subsection (1) of this section, should do so in a timely manner.

(3) The legislature also finds that:

(a) In most circumstances, need grant eligibility should not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent; and

(b) State financial aid programs should continue to adhere to the principle that funding follows resident students to their choice of institution of higher education.

Sec. 2. RCW 28B.10.800 and 1993 sp.s. c 18 s 2 are each amended to read as follows:

The ~~((sole))~~ purposes of RCW 28B.10.800 through 28B.10.824 ~~((is))~~ are to establish ~~((a))~~ the principles upon which the state financial aid programs will be based and to establish the state of Washington ~~((student financial aid))~~ state need grant program, thus assisting financially needy or disadvantaged students domiciled in Washington to obtain the opportunity of attending an accredited institution of higher education, as defined in RCW 28B.10.802(1). ~~((Financial aid))~~ State need grants under RCW 28B.10.800 through 28B.10.824 ~~((is))~~ are available only to students who are resident students as defined in RCW 28B.15.012(2) (a) through (d).

Sec. 3. RCW 28B.10.804 and 1995 c 269 s 801 are each amended to read as follows:

The ~~((commission))~~ board shall be cognizant of the following guidelines in the performance of its duties:

(1) The ~~((commission))~~ board shall be research oriented, not only at its inception but continually through its existence.

(2) The ~~((commission))~~ board shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The ~~((commission))~~ board shall take the initiative and responsibility for coordinating all federal student financial aid programs to ~~((insure))~~ ensure that the state recognizes the maximum potential effect of these programs, and shall design ~~((the))~~ state programs ~~((which))~~ that complement~~((s))~~ existing federal, state, and institutional programs. The board shall ensure that state programs continue to follow the principle that state financial aid funding follows the student to the student's choice of institution of higher education.

(4) Counseling is a paramount function of the state need grant and other state student financial aid programs, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid

programs shall be concerned with the attainment of those goals which, in the judgment of the ((commission)) board, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) The "package" approach of combining loans, grants and employment for student financial aid shall be the ((exceptional)) conceptual element of the state's involvement.

Sec. 4. RCW 28B.10.806 and 1989 c 254 s 3 are each amended to read as follows:

The ((commission)) board shall have the following powers and duties:

(1) Conduct a full analysis of student financial aid as a means of:

(a) Fulfilling educational aspirations of students of the state of Washington, and

(b) Improving the general, social, cultural, and economic character of the state.

Such an analysis will be a continuous one and will yield current information relevant to needed improvements in the state program of student financial aid. The ((commission)) board will disseminate the information yielded by their analyses to all appropriate individuals and agents.

~~((c) This study should include information on the following:~~

~~—(i) all programs and sources of available student financial aid;~~

~~—(ii) distribution of Washington citizens by socio-economic class;~~

~~—(iii) data from federal and state studies useful in identifying:~~

~~—(A) demands of students for specific educational goals in colleges, and~~

~~—(B) the discrepancy between high school students' preferences and the colleges they actually selected.))~~

(2) Design a state program of student financial aid based on the data of the study referred to in this section. The state programs will supplement available federal and local aid programs. The state programs of student financial aid will not exceed the difference between the budgetary costs of attending an institution of higher ((learning)) education and the student's total resources, including family support, personal savings, employment, and federal, state, and local aid programs.

(3) Determine and establish criteria for financial need of the individual applicant based upon the consideration of that particular applicant. In making this determination the ((commission)) board shall consider the following:

(a) Assets and income of the student.

(b) Assets and income of the parents, or the individuals legally responsible for the care and maintenance of the student.

(c) The cost of attending the institution the student is attending or planning to attend.

(d) Any other criteria deemed relevant to the ((commission)) board.

(4) Set the amount of financial aid to be awarded to any individual needy or disadvantaged student in any school year.

(5) Award financial aid to needy or disadvantaged students for a school year based upon only that amount necessary to fill the financial gap between the budgetary cost of attending an institution of higher education and the family and student contribution.

(6) Review the need and eligibility of all applications on an annual basis and adjust financial aid to reflect changes in the financial need of the recipients and the cost of attending the institution of higher education.

Sec. 5. RCW 28B.10.808 and 1991 c 164 s 4 are each amended to read as follows:

In awarding need grants, the ~~((commission))~~ board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the ~~((commission))~~ board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The ~~((commission))~~ board shall annually select the financial aid award ~~((winners))~~ recipients from among Washington residents applying for student financial aid who have been ranked according to financial need as determined by the amount of the family contribution and other considerations brought to the ~~((commission's))~~ board's attention.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until dispersed.

~~(3) ((A grant may be renewed until the course of study is completed, but not for more than an additional four academic years beyond the first year of the award. These shall not be required to be consecutive years))~~ A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic ~~((standing))~~ progress toward completion of ~~((the course of study, and continued eligibility))~~ an eligible program as determined by the ~~((commission))~~ board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.10.8081.

(4) In computing financial need, the ~~((commission))~~ board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions.

Sec. 6. RCW 28B.10.810 and 1989 c 254 s 5 are each amended to read as follows:

For a student to be eligible for ~~((financial aid the))~~ a state need grant a student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the ~~((commission))~~ board in accordance with RCW 28B.10.802 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education in Washington as defined in RCW 28B.10.802(1).

(4) Have complied with all the rules and regulations adopted by the ~~((commission))~~ board for the administration of RCW 28B.10.800 through 28B.10.824.

Sec. 7. RCW 28B.10.822 and 1973 c 62 s 4 are each amended to read as follows:

The ~~((commission))~~ board shall adopt rules ~~((and regulations))~~ as may be necessary or appropriate for effecting the provisions of RCW 28B.10.800 through 28B.10.824 and section 1 of this act, and not in conflict with RCW 28B.10.800 through 28B.10.824, in accordance with the provisions of chapter 34.05 RCW, the ~~((state higher education))~~ administrative procedure act.

Passed the House April 23, 1999.

Passed the Senate April 21, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 346

[Engrossed Substitute House Bill 1991]

UNIVERSITY OF WASHINGTON--UNIVERSITY TRACT

AN ACT Relating to the university tract; amending RCW 28B.20.382, 28B.20.394, 28B.20.396, and 28B.20.398; adding new sections to chapter 28B.20 RCW; creating a new section; repealing RCW 28B.20.390, 28B.20.392, and 43.79.090; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The purpose of this act is to consolidate the statutes authorizing the board of regents of the University of Washington to control the property of the university. Nothing in this act may be construed to diminish in any way the powers of the board of regents to control its property including, but not limited to, the powers now or previously set forth in RCW 28B.20.392 through 28B.20.398.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.20 RCW to read as follows:

For the purposes of this chapter, "university tract" means the tract of land in the city of Seattle, consisting of approximately ten acres, originally known as the

"old university grounds," and more recently referred to as the "metropolitan tract," together with all buildings, improvements, facilities, and appurtenances thereon.

Sec. 3. RCW 28B.20.382 and 1998 c 245 s 17 are each amended to read as follows:

(1) ~~Until authorized ((and empowered to do so)) by statute of the legislature, the board of regents of the university, with respect to ((that certain tract of land in the city of Seattle originally known as the "old university grounds" and more recently known as the "metropolitan tract" and any land contiguous thereto))~~ the university tract, shall not sell the land or any part thereof or any improvement thereon, or lease the land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term ~~((ending more than sixty years beyond midnight, December 31, 1980))~~ of more than eighty years. Any sale of the land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of the land or any part thereof or any improvement thereon for a term ~~((ending more than sixty years after midnight, December 31, 1980;))~~ of more than eighty years made or attempted to be made by the board of regents shall be null and void ~~((unless and))~~ until the same has been approved or ratified and confirmed by legislative act.

(2) The board of regents shall have power from time to time to lease the land, or any part thereof or any improvement thereon for a term ~~((ending not more than sixty years beyond midnight, December 31, 1980; PROVIDED, That))~~ of not more than eighty years. Any and all records, books, accounts, and agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents, the ways and means committee of the senate, the appropriations committee of the house of representatives, and the joint legislative audit and review committee or any successor committees. It is not intended ~~((by this proviso))~~ that unrelated records, books, accounts, and agreements of lessees, sublessees, or related companies be open to such inspection. The board of regents shall make a full, detailed report of all leases and transactions pertaining to the land or any part thereof or any improvement thereon to the joint legislative audit and review committee, including one copy to the staff of the committee, during odd-numbered years.

(3) The net proceeds from the sale or lease of land in the university tract, or any part thereof or any improvement thereon, shall be deposited into the University of Washington facilities bond retirement account hereby established outside the state treasury as a nonappropriated local fund to be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings at the University of Washington. The board of regents shall transfer from the University of Washington facilities bond retirement account to the University of Washington building account under RCW 43.79.080 any funds in excess of amounts reasonably necessary for payment of debt service in combination with other nonappropriated

local funds related to capital projects for which debt service is required under section 4, chapter . . . (Substitute House Bill No. 1166), Laws of 1999.

Sec. 4. RCW 28B.20.394 and 1973 1st ex.s. c 195 s 10 are each amended to read as follows:

In addition to the powers conferred upon the board of regents of the University of Washington by ~~((RCW 28B.20.392 and 28B.20.380, said))~~ section 5 of this act, the board of regents is authorized and shall have the power to enter into an agreement or agreements with the city of Seattle and the county of King, Washington, to pay to ~~((said))~~ the city and ((said)) the county such sums as shall be mutually agreed upon for governmental services rendered to ~~((said)) the~~ university tract, ~~((as defined in RCW 28B.20.390))~~ which sums shall not exceed the amounts that would be received pursuant to limitations imposed by RCW 84.52.043 by the ~~((said))~~ city of Seattle and county of King respectively from real and personal property taxes paid on the university tract or any leaseholds thereon if such taxes could lawfully be levied ~~((and any such sums so agreed upon shall be paid from the proceeds and other income from said tract as an item of expense of operation and upkeep thereof. PROVIDED, That in the event that it is determined by a court of final jurisdiction that the provisions of chapter 43, Laws of 1971 first ex. sess., insofar as they affect taxes due and payable in 1972 and 1973 by any lessee of the university tract, are held unconstitutional, the sums paid pursuant to this section in such years shall be refunded in accordance with the provisions of chapter 84.69 RCW, and any provision of RCW 28B.20.392 in conflict herewith is superseded))~~.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.20 RCW to read as follows:

In addition to the powers conferred under the original deeds of conveyance to the state of Washington and under existing law, and subject to RCW 28B.20.382, the board of regents has full control of the university tract as provided in this chapter including, but not limited to:

(1) With regard to the whole or portions of the land, the authority to manage, to improve, to alter, to operate, to lease, to contract indebtedness, to borrow funds, to issue bonds, notes, and warrants, to provide for the amortization of and to pay the bonds, notes, warrants, and other evidences of indebtedness, at or prior to maturity, to use and pledge the income derived from operating, managing, and leasing the university tract for such purpose, and to otherwise own, operate, and control the university tract to the same extent as any other property of the university;

(2) With regard to the whole or portions of any building or buildings or other improvements thereon or appurtenances thereto, the authority to sell, subject to the terms of any underlying lease on the land, to manage, to improve, to alter, to operate, to lease, to grant a deed of trust or a mortgage lien, to contract indebtedness, to borrow funds, to issue bonds, notes, and warrants, to provide for the amortization thereof and to pay the bonds, notes, warrants, and other evidences

of indebtedness, at or prior to maturity, to use and pledge the income derived from operating, managing, and leasing the university tract for such purpose, and to otherwise own, operate, and control the university tract to the same extent as any other property of the university consistent with the purpose of the donors of the metropolitan tract.

Sec. 6. RCW 28B.20.396 and 1983 c 167 s 33 are each amended to read as follows:

Bonds issued pursuant to the authority granted under ~~((subdivision (4) of RCW 28B.20.392--))~~ section 5 of this act:

(1) Shall not constitute (a) an obligation, either general or special, of the state or (b) a general obligation of the University of Washington or of the board of regents;

(2) Shall be((--));

(a) Either in bearer form or in registered form as provided in RCW 39.46.030, and

(b) Issued in denominations of not less than one hundred dollars;

(3) Shall state((--));

(a) The date of issue, and

(b) The series of the issue and be consecutively numbered within the series, and

(c) That the bond is payable only out of a special fund established for the purpose, and designate the fund;

(4) Shall bear interest, payable either annually, or semiannually as the board of regents may determine;

(5) Shall be payable solely out of((--));

(a) Revenue derived from operating, managing and leasing the university tract, and

(b) A special fund, created by the board of regents for the purpose, consisting either of (i) a fixed proportion, or (ii) a fixed amount out of and not exceeding a fixed proportion, or (iii) a fixed amount without regard to any fixed proportion, of the revenue so derived;

(6) May contain covenants by the board of regents in conformity with the provisions of RCW 28B.20.398(2);

(7) Shall be payable at such times over a period of not to exceed thirty years, in such manner and at such place or places as the board of regents determines;

(8) Shall be executed in such manner as the board of regents by resolution determines;

(9) Shall be sold in such manner as the board of regents deems for the best interest of the University of Washington;

(10) May be issued under chapter 39.46 RCW.

Sec. 7. RCW 28B.20.398 and 1983 c 167 s 34 are each amended to read as follows:

(1) Any resolution of the board of regents pursuant to the provisions of ~~((subdivision (4) of RCW 28B.20.392))~~ section 5 of this act shall provide for the creation of a special fund, in conformity with the provisions of ~~((subdivision (5)(b) of))~~ RCW 28B.20.396(5)(b).

(2) Any resolution authorizing the issuance of bonds pursuant to the provisions of section 5 of this act, RCW ~~((28B.20.390, 28B.20.392,))~~ 28B.20.396, and 28B.20.398 may contain covenants of the board of regents to protect and safeguard the security and rights of the owners of any such bonds such as are then customary in connection with similar bonds and considered advisable in order to assure the maximum marketability for said bonds. Without limiting the generality of the foregoing, any such resolution may contain covenants as to~~((--))~~:

(a) The creation of a special fund into which the proceeds of all bonds issued pursuant to the provisions of such resolution shall be deposited, the terms and conditions upon which payments may be made from such special fund, and for the payment of interest on bonds issued pursuant to such resolution from the moneys in said fund;

(b) Maintaining rental and leasehold rates and other charges at a level sufficient at all times to provide revenue (i) to pay the interest on and principal of all bonds and other obligations payable from said revenue, (ii) to make all other payments from said revenues required under the provisions of any resolution adopted in connection with the issuance of warrants or bonds under section 5 of this act, RCW ~~((28B.20.390, 28B.20.392,))~~ 28B.20.396, and 28B.20.398 and (iii) to pay the operating, management, maintenance, repair and upkeep costs of the university tract;

(c) Collection, deposit, custody and disbursement of the revenues from the university tract or any portions thereof including (i) a specification of the depositories to be designated, and (ii) authorization of such depositories, or other banks or trust companies, to act as fiscal agent of the board of regents for the custody of the proceeds of bonds and the moneys held in any funds created pursuant to section 5 of this act, RCW ~~((28B.20.390, 28B.20.392,))~~ 28B.20.396, and 28B.20.398, or any resolution authorizing such bonds, and to represent bond owners in the event of a default on such bonds or in the event of a default in the performance of any duty or obligation of the board of regents in connection therewith, with such power and duty as such resolution may provide;

(d) Creation and administration of reserve and other funds for the payment, at or prior to maturity, of any indebtedness chargeable against the revenues from the university tract and for creation of working funds, depreciation funds, replacement funds, reserves for extraordinary repairs and any other fund deemed necessary or desirable to insure the continued profitable operation of the said university tract;

(e) Deposit of collateral security or indemnity bonds to secure the proceeds (i) of bonds issued pursuant to the provisions of such resolution and (ii) of all revenues which are pledged to secure the repayment of bonds issued pursuant to the provisions of such resolution and (iii) of all moneys deposited in any special

fund created under the authority of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~) 28B.20.396, and 28B.20.398 or any covenant thereunder;

(f) The obligation of the board of regents to maintain the building or buildings in good condition and to operate and manage the same in an economical and efficient manner;

(g) The amount and kind of insurance to be carried by the board of regents in connection with the building or buildings, the companies in which such insurance shall be carried, the term thereof, the application of the proceeds of any such insurance, and adjustments of losses under any such policy of insurance;

(h) Limitations upon the amount of additional bonds, warrants and other obligations payable out of the revenues from the building or buildings which may be thereafter issued and the terms and conditions upon which such additional bonds, warrants or other obligations may be issued;

(i) Limitations upon the creation of additional liens or encumbrances on the building or buildings or the personal property used in connection therewith;

(j) The terms and conditions upon which the building or buildings, or any part thereof, may be sold, mortgaged, leased or otherwise disposed of, and the use or other disposition of the proceeds of any such sale, mortgage or lease;

(k) The methods of operation, management and maintenance of the building or buildings;

(l) Accounting and auditing and the keeping of records, reports and audits with respect to the building or buildings;

(m) The amendment or modification of any resolution authorizing the issuance of bonds pursuant to the provisions of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~) 28B.20.396, and 28B.20.398, including the terms and conditions upon which such amendment or modification may be effected and the number, amount or percentage of assenting bonds necessary to effectuate the same;

(n) Limitations upon the use of space or facilities in the building or buildings without payment therefor; and

(o) Such other matters as may be necessary or desirable to insure a successful and profitable operation of the building or buildings.

(3) The term "building or buildings" as used in ((~~subdivision~~)) subsection (2) of this section means the building or buildings or improvements upon the university tract with respect to which the revenues are pledged, under the terms of the resolution, to secure the payment of bonds issued under such resolution.

(4) The provisions of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~) 28B.20.396, and 28B.20.398 and of any resolution adopted in conformity with the provisions of this section shall constitute a contract with the owners of warrants or bonds issued pursuant thereto, and the provisions thereof shall be enforceable in any court of competent jurisdiction by any owner of such warrants or bonds by mandamus or any other appropriate suit, action or proceeding at law or in equity.

(5) Bonds issued pursuant to the provisions of section 5 of this act, RCW ((~~28B.20.390, 28B.20.392,~~) 28B.20.396, and 28B.20.398 may be redeemed, at the

option of the board of regents, at such time or times, upon such terms and conditions, and at such premiums as the board of regents specifies in the resolution.

(6) If the board of regents fails to pay the required amounts into the special fund, established in conformity with ((subdivision)) subsection (2) of this section, the owner of any bond or bonds affected thereby may maintain an action against the board of regents to compel compliance with the terms of the resolution in this respect.

(7) Pending the preparation and execution of any bonds the issuance of which is authorized under the provisions of ((subdivision)) subsection (2) of this section, temporary bonds may be issued in such form as the board of regents determines.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) RCW 28B.20.390 (Additional powers of regents as to old university grounds—Definitions) and 1969 ex.s. c 223 s 28B.20.390;

(2) RCW 28B.20.392 (Additional powers of regents as to old university grounds—Enumeration of) and 1969 ex.s. c 223 s 28B.20.392; and

(3) RCW 43.79.090 (Rentals to building fund—Use of fund) and 1965 c 8 s 43.79.090.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House April 19, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 347

[Substitute House Bill 1569]

EXCELLENCE IN MATHEMATICS TRAINING PROGRAM

AN ACT Relating to improving mathematics proficiency; adding a new section to chapter 28A.300 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning standards. The legislature finds that only thirty-one percent of students who took the 1998 fourth grade Washington assessment of student learning met the standard for proficiency in mathematics. The legislature also finds that only twenty percent of students who took the seventh grade trial assessment met the standard for proficiency in mathematics. The legislature intends to identify best practices in mathematics instruction for current and prospective mathematics teachers in the elementary and

middle grades, and to provide training opportunities for teachers in using those instructional methods to help students in the classroom.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The excellence in mathematics training program is established to improve the mathematics performance of elementary, middle, and junior high school students. The purpose of the program is to improve students' proficiency in mathematics by enhancing teachers' skills in using teaching methods that have been proven to be effective based upon empirical research. The program shall be administered by the office of the superintendent of public instruction.

(2) The superintendent of public instruction, to the extent funds are appropriated, shall establish training programs in mathematics instruction and assessment for educators working with elementary, middle, and junior high school students. The programs shall be designed to prepare educators to select and implement appropriate instructional strategies and effective programs to improve mathematics instruction. Funds, to the extent funds are appropriated, shall be used to develop training programs and to provide the training to the educators both through institutes and in the classroom during the school year. In selecting educators to participate in the program, the superintendent shall give priority to educators from schools and school districts in which a significant portion of the students performed below standard on one or more mathematics assessments.

Passed the House April 21, 1999.

Passed the Senate April 12, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 348

[Substitute House Bill 1770]

COMMON SCHOOL PROVISIONS—BOARD OF EDUCATION RECOMMENDATIONS

AN ACT Relating to the recommendations of the state board of education based on its review of its statutory authority; amending RCW 28A.205.010, 28A.205.020, 28A.205.040, 28A.225.160, and 28A.300.040; adding new chapters to Title 28A RCW; creating a new section; recodifying RCW 28A.315.350, 28A.315.380, 28A.315.390, 28A.315.400, 28A.315.410, 28A.315.420, 28A.315.430, 28A.315.440, 28A.315.450, 28A.315.650, 28A.315.470, 28A.315.480, 28A.315.490, 28A.315.500, 28A.315.530, 28A.315.510, 28A.315.540, 28A.315.570, 28A.315.460, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 28A.315.670, 28A.315.680, 28A.315.550, 28A.315.560, 28A.315.580, 28A.315.590, 28A.315.593, 28A.315.660, 28A.315.597, and 28A.315.640; and repealing RCW 28A.04.172 and 28A.410.013.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. During 1997 and 1998, a committee of the state board of education reviewed all board rules and related authorizing statutes. Based on the findings and recommendations resulting from the review, the state board prepared a report to the legislature requesting action be taken. It is the intent of this act to implement recommendations of the state board of education.

Sec. 2. RCW 28A.205.010 and 1993 c 211 s 1 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the state board of education according to rules (~~and regulations promulgated~~) adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW 28A.305.130.

(3) The state board of education shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) (~~above~~) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050.

Sec. 3. RCW 28A.205.020 and 1997 c 265 s 7 are each amended to read as follows:

Only eligible common school dropouts shall be enrolled in a certified education center for reimbursement by the superintendent of public instruction as provided in RCW 28A.205.040. A person is not an eligible common school dropout if: (1) The person has completed high school, (2) the person has not reached his or her twelfth birthday or has passed his or her twentieth birthday, (3)

the person shows proficiency beyond the high school level in a test approved by the ~~((superintendent of public instruction))~~ state board of education to be given as part of the initial diagnostic procedure, or (4) less than one month has passed after the person has dropped out of any common school and the education center has not received written verification from a school official of the common school last attended in this state that the person is no longer in attendance at the school. A person is an eligible common school dropout even if one month has not passed since the person dropped out if the board of directors or its designee, of that common school, requests the center to admit the person because the person has dropped out or because the person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion. The fact that any person may be subject to RCW 28A.225.010 through ~~((28A.225.150))~~ 28A.225.140, 28A.200.010, and 28A.200.020 shall not affect his or her qualifications as an eligible common school dropout under this chapter.

Sec. 4. RCW 28A.205.040 and 1990 c 33 s 183 are each amended to read as follows:

(1)(a) From funds appropriated for that purpose, the superintendent of public instruction shall pay fees to a certified ~~((elimie))~~ center on a monthly basis for each student enrolled in compliance with RCW 28A.205.020~~((, fees in accordance with the following conditions:~~

~~—(1)(a) The fee for the initial diagnostic procedure shall be not more than fifty dollars per student, and hourly fees for each student shall be sixteen dollars if the class size is no greater than one, ten dollars if the class size is at least two and no greater than five, and five dollars if the class size is at least six. PROVIDED, That)),~~ The superintendent shall set fees by rule.

(b) Revisions in such fees proposed by an education ~~((elimie))~~ center shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect~~((: PROVIDED FURTHER, That)),~~ An education ((elimie)) center may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision((: AND PROVIDED FURTHER, That)), The administration of any general education development test shall not be a part of such initial diagnostic procedure.

~~((b))~~ (c) Reimbursements shall not be made for students who are absent.

~~((e))~~ (d) No ~~((elimie))~~ center shall make any charge to any student, or the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those ~~((elimie(s) which))~~ centers that have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost

effectiveness. In considering the cost effectiveness of nonprofit ~~((elimies))~~ centers the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such ~~((elimie))~~ center, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the ~~((elimies))~~ centers of the date after which further funds for reimbursement of the ~~((elimies²))~~ centers' services will be exhausted.

Sec. 5. RCW 28A.225.160 and 1986 c 166 s 1 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the state board of education, ~~((the state board of education is hereby authorized to adopt rules in accordance with chapter 34.05 RCW which))~~ districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the state board of education which authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees ~~((not to exceed seventy-five dollars per preadmission student))~~ to cover expenses incurred in the administration of ~~((such a))~~ any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

Sec. 6. RCW 28A.300.040 and 1992 c 198 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state~~((:))~~;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools~~((:))~~;

(3) To prepare and have printed such forms, registers, courses of study, rules ~~((and regulations))~~ for the government of the common schools, ~~((questions prepared for the examination of persons as provided for in RCW 28A.305.130(9);))~~ and such other material and books as may be necessary for the discharge of the

duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents((-));

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials((-);

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules ~~((and regulations))~~ related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount((-);

(6) To act as ex officio member and the chief executive officer of the state board of education((-);

(7) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to((-);

(8) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct((-);

(9) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state((-);

(10) To issue certificates as provided by law((-);

(11) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education((-);

(12) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his

or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction((-));

(13) To administer oaths and affirmations in the discharge of the superintendent's official duties((-));

(14) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office((-));

(15) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025((-));

(16) To perform such other duties as may be required by law.

****NEW SECTION. Sec. 7. The following sections are each recodified as a new chapter in Title 28A RCW:***

RCW 28A.315.350

RCW 28A.315.380

RCW 28A.315.390

RCW 28A.315.400

RCW 28A.315.410

RCW 28A.315.420

RCW 28A.315.430

RCW 28A.315.440

*Sec. 7 was vetoed. Sec message at end of chapter.

****NEW SECTION. Sec. 8. The following sections are each recodified as a new chapter in Title 28A RCW:***

RCW 28A.315.450

RCW 28A.315.650

RCW 28A.315.470

RCW 28A.315.480

RCW 28A.315.490

RCW 28A.315.500

RCW 28A.315.530

RCW 28A.315.510

RCW 28A.315.540

*Sec. 8 was vetoed. See message at end of chapter.

****NEW SECTION. Sec. 9. The following sections are each recodified as a new chapter in Title 28A RCW:***

RCW 28A.315.570

RCW 28A.315.460

RCW 28A.315.600

RCW 28A.315.610

RCW 28A.315.620

RCW 28A.315.630

RCW 28A.315.670

RCW 28A.315.680

RCW 28A.315.550

*Sec. 9 was vetoed. See message at end of chapter.

*NEW SECTION. *Sec. 10. The following sections are each recodified as a new chapter in Title 28A RCW:*

RCW 28A.315.560

RCW 28A.315.580

RCW 28A.315.590

RCW 28A.315.593

RCW 28A.315.660

RCW 28A.315.597

RCW 28A.315.640

*Sec. 10 was vetoed. See message at end of chapter.

NEW SECTION. *Sec. 11. The following acts or parts of acts are each repealed:*

(1) RCW 28A.04.172 (Post-baccalaureate professional teacher preparation program—Masters degree—Implementation—Standards) and 1987 c 525 s 214; and

(2) RCW 28A.410.013 (Teacher assessment for certification—Study—Report to the legislature) and 1995 c 222 s 1.

Passed the House April 20, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 17, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 7, 8, 9, and 10, Substitute House Bill No. 1770 entitled:

"AN ACT Relating to the recommendations of the state board of education based on its review of its statutory authority;"

Substitute House Bill No. 1770 implements many of the recommendations of the Mandate Review Committee convened by the State Board of Education to study all of the Board's rules and related laws.

However, Sections 7, 8, 9, and 10 of the bill amend the same statutes as sections 803, 804, 805 and 806 of Engrossed Second Substitute House Bill No. 1477, which I signed on May 14, 1999. Also, sections 803 through 806 of E2SHB 1477 contain additional sections for recodification that were left out of sections 7 through 10 of SHB 1770.

For these reasons, I have vetoed sections 7, 8, 9, and 10 of Substitute House Bill No. 1770.

With the exception of sections 7, 8, 9, and 10, Substitute House Bill No. 1770 is approved."

CHAPTER 349

[House Bill 1388]

CRIMINAL JURISDICTION ABOARD CONVEYANCES

AN ACT Relating to state criminal jurisdiction; and amending RCW 9A.04.030.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9A.04.030 and 1981 c 187 s 2 are each amended to read as follows:

The following persons are liable to punishment:

- (1) A person who commits in the state any crime, in whole or in part.
- (2) A person who commits out of the state any act which, if committed within it, would be theft and is afterward found in the state with any of the stolen property.
- (3) A person who being out of the state, counsels, causes, procures, aids, or abets another to commit a crime in this state.
- (4) A person who, being out of the state, abducts or kidnaps by force or fraud, any person, contrary to the laws of the place where the act is committed, and brings, sends, or conveys such person into this state.
- (5) A person who commits an act without the state which affects persons or property within the state, which, if committed within the state, would be a crime.
- (6) A person who, being out of the state, makes a statement, declaration, verification, or certificate under RCW 9A.72.085 which, if made within the state, would be perjury.

(7) A person who commits an act onboard a conveyance within the state of Washington, including the airspace over the state of Washington, that subsequently lands, docks, or stops within the state which, if committed within the state, would be a crime.

Passed the House March 8, 1999.

Passed the Senate April 6, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 350

[Substitute House Bill 1935]

EARLY CHILDHOOD ASSISTANCE—ELIGIBILITY

AN ACT Relating to eligibility for early childhood assistance programs; and amending RCW 28A.215.110.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28A.215.110 and 1994 c 166 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908.

(1) "Advisory committee" means the advisory committee under RCW 28A.215.140.

(2) "Department" means the department of community, trade, and economic development.

(3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income or to eligible children from families with multiple needs.

(4) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department of community, trade, and economic development as meeting the minimum program rules adopted by the department to qualify under RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 and are designated as eligible for funding by the department under RCW 28A.215.160 and 28A.215.180.

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

- (a) Actively participate in their child's early childhood program;
- (b) Increase their knowledge of child development and parenting skills;
- (c) Further their education and training;
- (d) Increase their ability to use needed services in the community;
- (e) Increase their self-reliance.

Passed the House March 16, 1999.

Passed the Senate April 22, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 351

[Substitute House Bill 1971]

TRAFFIC SAFETY

AN ACT Relating to traffic safety; amending RCW 43.59.150, 46.52.070, and 46.20.305; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.32 RCW; adding a new section to chapter 81.04 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.59.150 and 1998 c 165 s 3 are each amended to read as follows:

(1) The Washington state traffic safety commission shall establish a program for improving bicycle and pedestrian safety, and shall cooperate with the stakeholders and independent representatives to form an advisory committee to develop programs and create public private partnerships which promote bicycle and pedestrian safety. The traffic safety commission shall periodically report and make recommendations to the legislative transportation committee ((and the fiscal committees of the house of representatives and the senate by December 1, 1998, regarding the conclusions of the advisory)) on the progress of the bicycle and pedestrian safety committee.

(2) The bicycle and pedestrian safety account is created in the state treasury to support bicycle and pedestrian education or safety programs. ((To the extent that private contributions are received by the traffic safety commission for the purposes of bicycle and pedestrian safety programs established under this section, the appropriations from the highway safety account for this purpose shall lapse.))

Sec. 2. RCW 46.52.070 and 1998 c 165 s 8 are each amended to read as follows:

(1) Any police officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit.

(2) The police officer shall report to the department, on a form prescribed by the director: (a) When ~~((an accident))~~ a collision has occurred that results in a fatality ~~((or serious injury))~~; and (b) the identity of the operator of a vehicle involved in the ~~((accident))~~ collision when the officer has reasonable grounds to believe the operator ~~((who))~~ caused the ~~((fatality or serious injury may not be competent to operate a motor vehicle; and (e) the reason or reasons for such belief))~~ collision.

(3) The police officer shall report to the department, on a form prescribed by the director: (a) When a collision has occurred that results in a serious injury; (b) the identity of the operator of a vehicle involved in the collision when the officer has reasonable grounds to believe the operator who caused the serious injury may not be competent to operate a motor vehicle; and (c) the reason or reasons for the officer's belief.

Sec. 3. RCW 46.20.305 and 1998 c 165 s 13 are each amended to read as follows:

(1) The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed may upon notice require him or her to submit to an examination.

(2) The department shall require a driver reported under RCW 46.52.070 (2)~~((; when a fatality occurred;))~~ and (3) to submit to an examination. The examination must be completed no later than one hundred twenty days after the accident report

required under RCW 46.52.070(2) is received by the department unless the department, at the request of the operator, extends the time for examination.

~~(3) ((The department may require a driver reported under RCW 46.52.070(2) to submit to an examination, or suspend the person's license subject to RCW 46.20.322, when a serious injury occurred. The examination must be completed no later than one hundred twenty days after the accident report required under RCW 46.52.070(2) is received by the department.~~

~~—(4))~~ The department may in addition to an examination under this section require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department.

~~((5))~~ (4) Upon the conclusion of an examination under this section the department shall take driver improvement action as may be appropriate and may suspend or revoke the license of such person or permit him or her to retain such license, or may issue a license subject to restrictions as permitted under RCW 46.20.041. The department may suspend or revoke the license of such person who refuses or neglects to submit to such examination.

~~((6))~~ (5) The department may require payment of a fee by a person subject to examination under this section. The department shall set the fee in an amount that is sufficient to cover the additional cost of administering examinations required by this section.

NEW SECTION. Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

When applicable, the certificate of registration must include a statement that the owner or entity operating a commercial vehicle must be in compliance with the requirements of the United States department of transportation federal motor carrier safety regulations contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing.

NEW SECTION. Sec. 5. A new section is added to chapter 46.32 RCW to read as follows:

A person or employer operating as a motor carrier shall comply with the requirements of the United States department of transportation federal motor carrier safety regulations as contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing. A person or employer who begins or conducts commercial motor vehicle operations without having a controlled substance and alcohol testing program that is in compliance with the requirements of Title 49 C.F.R. Part 382 is subject to a penalty, under the process set forth in RCW 46.32.100, of up to one thousand five hundred dollars and up to an additional five hundred dollars for each motor vehicle driver employed by the person or employer who is not in compliance with the motor vehicle driver testing requirements. A person or employer having actual knowledge that a driver has tested positive for controlled substances or alcohol who allows a positively tested person to continue to perform a safety-sensitive function is subject to a penalty,

under the process set forth in RCW 46.32.100, of one thousand five hundred dollars.

NEW SECTION. Sec. 6. A new section is added to chapter 81.04 RCW to read as follows:

A person or employer operating as a motor carrier shall comply with the requirements of the United States department of transportation federal motor carrier safety regulations as contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing. A person or employer who begins or conducts commercial motor vehicle operations without having a controlled substance and alcohol testing program that is in compliance with the requirements of Title 49 C.F.R. Part 382 is subject to a penalty, under the process set forth in RCW 81.04.405, of up to one thousand five hundred dollars and up to an additional five hundred dollars for each motor vehicle driver employed by the person or employer who is not in compliance with the motor vehicle driver testing requirements. A person or employer having actual knowledge that a driver has tested positive for controlled substances or alcohol who allows a positively tested person to continue to perform a safety-sensitive function is subject to a penalty, under the process set forth in RCW 81.04.405, of one thousand five hundred dollars.

Passed the House April 20, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 352

[House Bill 1544]

OFFENDER SENTENCING

AN ACT Relating to sentencing of offenders; amending RCW 81.60.070, 9.40.120, 9.94A.030, 9.94A.360, and 9.94A.400; reenacting and amending RCW 9.94A.040, 9.94A.310, 9.94A.320, and 9A.44.130; creating new sections; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 9.94A.040 and 1997 c 365 s 2 and 1997 c 338 s 3 are each reenacted and amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

- (i) Racial disproportionality in juvenile and adult sentencing;
- (ii) The capacity of state and local juvenile and adult facilities and resources;

and

- (iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness (~~category XHH~~) level XIV under RCW 9.94A.310, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

Sec. 2. RCW 9.94A.310 and 1998 c 235 s 1 and 1998 c 211 s 3 are each reenacted and amended to read as follows:

(1) **TABLE 1**
Sentencing Grid

SERIOUSNESS (SCORE) LEVEL	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
(XV) XVI	Life Sentence without Parole/Death Penalty									
(XIV) XV	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
(XIII) XIV	14y4m 123- 220	15y4m 134- 234	16y2m 144- 244	17y 154- 254	17y11m 165- 265	18y9m 175- 275	20y5m 195- 295	22y2m 216- 316	25y7m 257- 357	29y 298- 397

XIII	12y	13y	14y	15y	16y	17y	19y	21y	25y	29y
	123-	134-	144-	154-	165-	175-	195-	216-	257-	298-
	164	178	192	205	219	233	260	288	342	397
XII	9y	9y11m	10y9m	11y8m	12y6m	13y5m	15y9m	17y3m	20y3m	23y3m
	93-	102-	111-	120-	129-	138-	162-	178-	209-	240-
	123	136	147	160	171	184	216	236	277	318
XI	7y6m	8y4m	9y2m	9y11m	10y9m	11y7m	14y2m	15y5m	17y11m	20y5m
	78-	86-	95-	102-	111-	120-	146-	159-	185-	210-
	102	114	125	136	147	158	194	211	245	280
X	5y	5y6m	6y	6y6m	7y	7y6m	9y6m	10y6m	12y6m	14y6m
	51-	57-	62-	67-	72-	77-	98-	108-	129-	149-
	68	75	82	89	96	102	130	144	171	198
IX	3y	3y6m	4y	4y6m	5y	5y6m	7y6m	8y6m	10y6m	12y6m
	31-	36-	41-	46-	51-	57-	77-	87-	108-	129-
	41	48	54	61	68	75	102	116	144	171
VIII	2y	2y6m	3y	3y6m	4y	4y6m	6y6m	7y6m	8y6m	10y6m
	21-	26-	31-	36-	41-	46-	67-	77-	87-	108-
	27	34	41	48	54	61	89	102	116	144
VII	18m	2y	2y6m	3y	3y6m	4y	5y6m	6y6m	7y6m	8y6m
	15-	21-	26-	31-	36-	41-	57-	67-	77-	87-
	20	27	34	41	48	54	75	89	102	116
VI	13m	18m	2y	2y6m	3y	3y6m	4y6m	5y6m	6y6m	7y6m
	12+-	15-	21-	26-	31-	36-	46-	57-	67-	77-
	14	20	27	34	41	48	61	75	89	102
V	9m	13m	15m	18m	2y2m	3y2m	4y	5y	6y	7y
	6-	12+-	13-	15-	22-	33-	41-	51-	62-	72-
	12	14	17	20	29	43	54	68	82	96
IV	6m	9m	13m	15m	18m	2y2m	3y2m	4y2m	5y2m	6y2m
	3-	6-	12+-	13-	15-	22-	33-	43-	53-	63-
	9	12	14	17	20	29	43	57	70	84
III	2m	5m	8m	11m	14m	20m	2y2m	3y2m	4y2m	5y
	1-	3-	4-	9-	12+-	17-	22-	33-	43-	51-
	3	8	12	12	16	22	29	43	57	68
II		4m	6m	8m	13m	16m	20m	2y2m	3y2m	4y2m
	0-90	2-	3-	4-	12+-	14-	17-	22-	33-	43-
	Days	6	9	12	14	18	22	29	43	57
I			3m	4m	5m	8m	13m	16m	20m	2y2m
	0-60	0-90	2-	2-	3-	4-	12+-	14-	17-	22-
	Days	Days	5	6	8	12	14	18	22	29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) Three years for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Eighteen months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, any and all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter.

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the presumptive sentence for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon as defined in this chapter other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.

(b) One year for any felony defined under any law as a class B felony or with a maximum sentence of ten years, or both, and not covered under (f) of this subsection.

(c) Six months for any felony defined under any law as a class C felony or with a maximum sentence of five years, or both, and not covered under (f) of this subsection.

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, any and all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.

(e) Notwithstanding any other provision of law, any and all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter.

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.

(g) If the presumptive sentence under this section exceeds the statutory maximum for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender as defined in RCW 9.94A.030. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the presumptive sentence if the offender or an accomplice committed the offense while in a county jail or state correctional facility as that term is defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility as that term is defined in this chapter, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the presumptive sentence determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);

(c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the presumptive sentence for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435.

(7) An additional two years shall be added to the presumptive sentence for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Sec. 3. RCW 9.94A.320 and 1998 c 290 s 4, 1998 c 219 s 4, 1998 c 82 s 1, and 1998 c 78 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

~~(XV)~~

XVI

Aggravated Murder 1 (RCW 10.95.020)

~~(XIV)~~XV

Murder 1 (RCW 9A.32.030)
 Homicide by abuse (RCW 9A.32.055)
 Malicious explosion 1 (RCW 70.74.280(1))

~~(XIII)~~XIV

Murder 2 (RCW 9A.32.050)

XIII

Malicious explosion 2 (RCW 70.74.280(2))
 Malicious placement of an explosive 1 (RCW
 70.74.270(1))

XII

Assault 1 (RCW 9A.36.011)
 Assault of a Child 1 (RCW 9A.36.120)
 Rape 1 (RCW 9A.44.040)
 Rape of a Child 1 (RCW 9A.44.073)
 Malicious placement of an imitation device 1
 (RCW 70.74.272(1)(a))

XI

Rape 2 (RCW 9A.44.050)
 Rape of a Child 2 (RCW 9A.44.076)
 Manslaughter 1 (RCW 9A.32.060)

X

Kidnapping 1 (RCW 9A.40.020)
 Child Molestation 1 (RCW 9A.44.083)
 Malicious explosion 3 (RCW 70.74.280(3))
 Over 18 and deliver heroin, methamphetamine,
 a narcotic from Schedule I or II, or
 flunitrazepam from Schedule IV to
 someone under 18 (RCW 69.50.406)
 Leading Organized Crime (RCW
 9A.82.060(1)(a))
 Indecent Liberties (with forcible compulsion)
 (RCW 9A.44.100(1)(a))
 Manufacture of methamphetamine (RCW
 69.50.401(a)(1)(ii))

IX

Assault of a Child 2 (RCW 9A.36.130)
 Robbery 1 (RCW 9A.56.200)
 Explosive devices prohibited (RCW 70.74.180)
 Malicious placement of an explosive 2 (RCW
 70.74.270(2))
 Over 18 and deliver narcotic from Schedule III,
 IV, or V or a nonnarcotic, except
 flunitrazepam or methamphetamine, from
 Schedule 1-V to someone under 18 and 3
 years junior (RCW 69.50.406)

- Controlled Substance Homicide (RCW 69.50.415)
 - Sexual Exploitation (RCW 9.68A.040)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 88.12.029)
- VIII
- Arson 1 (RCW 9A.48.020)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
 - Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine (RCW 69.50.440)
 - Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
 - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 88.12.029)
 - Manslaughter 2 (RCW 9A.32.070)
- VII
- Burglary 1 (RCW 9A.52.020)
 - Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
 - Homicide by Watercraft, by disregard for the safety of others (RCW 88.12.029)
 - Introducing Contraband 1 (RCW 9A.76.140)
 - Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

- Child Molestation 2 (RCW 9A.44.086)
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Involving a minor in drug dealing (RCW 69.50.401(f))
- Drive-by Shooting (RCW 9A.36.045)
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- VI Bribery (RCW 9A.68.010)
- Rape of a Child 3 (RCW 9A.44.079)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Incest 1 (RCW 9A.64.020(1))
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
- Intimidating a Judge (RCW 9A.72.160)
- Bail Jumping with Murder 1 (RCW 9A.76.170(2)(a))
- Theft of a Firearm (RCW 9A.56.300)
- V Persistent prison misbehavior (RCW 9.94.070)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Abandonment of dependent person 1 (RCW 9A.42.060)
- Rape 3 (RCW 9A.44.060)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Child Molestation 3 (RCW 9A.44.089)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))

Perjury 1 (RCW 9A.72.020)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
 Bail Jumping with class A Felony (RCW 9A.76.170(2)(b))
 Sexually Violating Human Remains (RCW 9A.44.105)
 Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
 Possession of a Stolen Firearm (RCW 9A.56.310)
On and after July 1, 2000: Stalking (RCW 9A.46.110)
On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Pretrial Condition (RCW 10.99.040(4) (b) and (c))
On and after July 1, 2000: No-Contact Order Violation: Domestic Violence Sentence Condition (RCW 10.99.050(2))
On and after July 1, 2000: Protection Order Violation: Domestic Violence Civil Action (RCW 26.50.110 (4) and (5))

IV Residential Burglary (RCW 9A.52.025)
 Theft of Livestock 1 (RCW 9A.56.080)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.021)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Commercial Bribery (RCW 9A.68.060)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Threats to Bomb (RCW 9A.61.160)
 Willful Failure to Return from Furlough (RCW 72.66.060)

- Hit and Run—Injury Accident (RCW 46.52.020(4))
- Hit and Run with Vessel—Injury Accident (RCW 88.12.155(3))
- Vehicular Assault (RCW 46.61.522)
- Assault by Watercraft (RCW 88.12.032)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- III Criminal Gang Intimidation (RCW 9A.46.120)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Abandonment of dependent person 2 (RCW 9A.42.070)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW 9A.36.031)
- Assault of a Child 3 (RCW 9A.36.140)
- Custodial Assault (RCW 9A.36.100)
- Unlawful possession of firearm in the second degree (RCW 9A.41.040(1)(b))
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Burglary 2 (RCW 9A.52.030)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)

Perjury 2 (RCW 9A.72.030)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(2)(c))
 Intimidating a Public Servant (RCW 9A.76.180)
 Tampering with a Witness (RCW 9A.72.120)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
 Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
 Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
 Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 Theft of livestock 2 (RCW 9A.56.080)
 Securities Act violation (RCW 21.20.400)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

II Unlawful Practice of Law (RCW 2.48.180)
 Malicious Mischief 1 (RCW 9A.48.070)
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 ((~~Class B Felony~~) Theft of Rental, Leased, or Lease-purchased Property valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
 Trafficking in Insurance Claims (RCW 48.30A.015)
 Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Health Care False Claims (RCW 48.80.030)
Possession of controlled substance that is either
heroin or narcotics from Schedule I or II
or flunitrazepam from Schedule IV (RCW
69.50.401(d))
Possession of phencyclidine (PCP) (RCW
69.50.401(d))
Create, deliver, or possess a counterfeit
controlled substance (RCW 69.50.401(b))
Computer Trespass 1 (RCW 9A.52.110)
Escape from Community Custody (RCW
72.09.310)
Theft 2 (RCW 9A.56.040)
~~((Class C Felony))~~ Theft of Rental, Leased, or
Lease-purchased Property (valued at two
hundred fifty dollars or more but less than
one thousand five hundred dollars) (RCW
9A.56.096(4))
Possession of Stolen Property 2 (RCW
9A.56.160)
Forgery (RCW 9A.60.020)
Taking Motor Vehicle Without Permission
(RCW 9A.56.070)
Vehicle Prowl 1 (RCW 9A.52.095)
Attempting to Elude a Pursuing Police Vehicle
(RCW 46.61.024)
Malicious Mischief 2 (RCW 9A.48.080)
Reckless Burning 1 (RCW 9A.48.040)
Unlawful Issuance of Checks or Drafts (RCW
9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140
(2) and (3))
False Verification for Welfare (RCW
74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance
(RCW 69.50.403)
Possess Controlled Substance that is a Narcotic
from Schedule III, IV, or V or Non-
narcotic from Schedule I-V (except
phencyclidine or flunitrazepam) (RCW
69.50.401(d))

Sec. 4. RCW 81.60.070 and 1992 c 7 s 60 are each amended to read as follows:

Every person who, in such manner as might, if not discovered, endanger the safety of any engine, motor, car or train, or any person thereon, shall in any manner interfere or tamper with or obstruct any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure, or appliance pertaining to or connected with any railway, or any train, engine, motor, or car on such railway, and every person who shall discharge any firearm or throw any dangerous missile at any train, engine, motor, or car on any railway, shall be punished by imprisonment in a state correctional facility for not more than ~~((twenty-five))~~ ten years.

Sec. 5. RCW 9.40.120 and 1971 ex.s. c 302 s 4 are each amended to read as follows:

Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than ~~((twenty-five))~~ ten years.

NEW SECTION. **Sec. 6.** The code reviser shall alphabetize the offenses within each seriousness level in RCW 9.94A.320, including any offenses added in the 1999 legislative session.

NEW SECTION. **Sec. 7.** The amendments made by sections 3 through 5 of this act shall apply to offenses committed on or after the effective date of this act except that the amendments made by this act to seriousness level V in RCW 9.94A.320 shall apply to offenses committed on or after July 1, 2000.

Sec. 8. RCW 9.94A.030 and 1998 c 290 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department of corrections, means that the department is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(2) "Commission" means the sentencing guidelines commission.

(3) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(4) "Community custody" means that portion of an inmate's sentence of confinement in lieu of earned early release time or imposed pursuant to RCW 9.94A.120 (6), (8), or (10) served in the community subject to controls placed on the inmate's movement and activities by the department of corrections.

(5) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned early release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(6) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(7) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5). For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(8) "Confinement" means total or partial confinement as defined in this section.

(9) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to the provisions in RCW 38.52.430.

(11) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(12) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant

has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(13) "Day fine" means a fine imposed by the sentencing judge that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(14) "Day reporting" means a program of enhanced supervision designed to monitor the defendant's daily activities and compliance with sentence conditions, and in which the defendant is required to report daily to a specific location designated by the department or the sentencing judge.

(15) "Department" means the department of corrections.

(16) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(17) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(18) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(19) "Escape" means:

(a) Escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(20) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(21) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(22) "First-time offender" means any person who is convicted of a felony (a) not classified as a violent offense or a sex offense under this chapter, or (b) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in Schedule I or II that is a narcotic drug or flunitrazepam classified in Schedule IV, nor the manufacture, delivery, or possession with intent to deliver methamphetamine, its salts, isomers, and salts of its isomers as defined in RCW 69.50.206(d)(2), nor the selling for profit of any controlled substance or counterfeit substance classified in Schedule I, RCW 69.50.204, except leaves and flowering tops of marijuana, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(23) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under this section;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.125;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(24) "Nonviolent offense" means an offense which is not a violent offense.

(25) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(26) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention as defined in this section.

(27) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered

most serious offenses and would be included in the offender score under RCW 9.94A.360; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree, with a finding of sexual motivation; or (C) an attempt to commit any crime listed in this subsection (27)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under subsection (27)(b)(i) only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under subsection (27)(b)(i) only when the offender was eighteen years of age or older when the offender committed the offense.

(28) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(29) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(30) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(31) "Serious violent offense" is a subcategory of violent offense and means:

(a) Murder in the first degree, homicide by abuse, murder in the second degree, manslaughter in the first degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, assault of a child in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(32) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(33) "Sex offense" means:

(a) A felony that is a violation of chapter 9A.44 RCW, other than RCW 9A.44.130(10), or RCW 9A.64.020 or 9.68A.090 or a felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.127 or 13.40.135; or

~~((e))~~ (d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(34) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(35) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(36) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(37) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(38) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, robbery in the second degree, drive-by shooting, vehicular assault, and vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(39) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with RCW 9.94A.135. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county or the state are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (33) of this section are not eligible for the work crew program.

(40) "Work ethic camp" means an alternative incarceration program designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(41) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school. Participation in work release shall be conditioned upon the offender attending work or school at regularly defined hours and abiding by the rules of the work release facility.

(42) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

Sec. 9. RCW 9A.44.130 and 1998 c 220 s 1 and 1998 c 139 s 1 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex

offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3) The person shall provide the following information when registering: (a) Name; (b) address; (c) date and place of birth; (d) place of employment; (e) crime for which convicted; (f) date and place of conviction; (g) aliases used; (h) social security number; (i) photograph; and (j) fingerprints.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (9) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities

of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) **OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or

place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required

to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (9) of this section.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (9) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(7) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(8) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(b) "Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(9) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (8)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (8)(a) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(10) A person who knowingly fails to register or who moves without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (8)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (8)(b) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

Sec. 10. RCW 9.94A.360 and 1998 c 211 s 4 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.400.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years

in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.400(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for ~~((Murder 1 or 2, Assault 1, Assault of a Child 1, Kidnapping 1, Homicide by Abuse, or Rape 1))~~ a serious violent offense, count three points for prior adult and juvenile convictions for crimes in ~~((these categories))~~ this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense ~~((or serious traffic offense;))~~ count one point for each adult and 1/2 point for each juvenile prior conviction ~~((This subsection shall not apply when additional time is added to a sentence pursuant to RCW 46.61.520(2));~~ for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction.

(12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Willful Failure to Return from Furlough, RCW 72.66.060, Willful Failure to Return from Work Release, RCW 72.65.070, or Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 11. RCW 9.94A.400 and 1998 c 235 s 2 are each amended to read as follows:

(1)(a) Except as provided in (b) or (c) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(g) or any other provision of RCW 9.94A.390. "Same criminal conduct," as used in this subsection, means two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. This definition applies in cases involving vehicular assault or vehicular homicide even if the victims occupied the same vehicle.

(b) Whenever a person is convicted of two or more serious violent offenses, as defined in RCW 9.94A.030, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions and other current convictions that are not serious violent offenses in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(c) If an offender is convicted under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, ((then)) the sentence range for each of these current offenses shall be determined by using all other current and prior convictions, except other current convictions for the felony crimes listed in this subsection (1)(c), as if they were prior convictions. The offender shall serve

consecutive sentences for each conviction of the felony crimes listed in this subsection (1)(c), and for each firearm unlawfully possessed.

(2)(a) Except as provided in (b) of this subsection, whenever a person while under sentence of felony commits another felony and is sentenced to another term of confinement, the latter term shall not begin until expiration of all prior terms.

(b) Whenever a second or later felony conviction results in community supervision with conditions not currently in effect, under the prior sentence or sentences of community supervision the court may require that the conditions of community supervision contained in the second or later sentence begin during the immediate term of community supervision and continue throughout the duration of the consecutive term of community supervision.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. Except for exceptional sentences as authorized under RCW 9.94A.120(2), if two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Passed the House April 23, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 353

[Engrossed Second Substitute House Bill 1484]

MEDICAID PAYMENTS—NURSING FACILITIES

AN ACT Relating to the medicaid related payment of property costs in licensed nursing facilities; amending RCW 74.46.020, 74.46.360, 74.46.421, 74.46.431, 74.46.506, 74.46.511, 74.46.515, 74.46.521, 74.46.350, and 74.46.370; amending 1998 c 322 s 29 (uncodified); adding new sections to chapter 74.46 RCW; repealing RCW 74.46.350 and 74.46.370; repealing 1998 c 322 s 29 (uncodified); providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.46.020 and 1998 c 322 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(3) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(4) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(5) "Audit" or "department audit" means an examination of the records of a nursing facility participating in the medicaid payment system, including but not limited to: The contractor's financial and statistical records, cost reports and all supporting documentation and schedules, receivables, and resident trust funds, to be performed as deemed necessary by the department and according to department rule.

(6) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(7) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial

ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in (c)(i), (ii), or (iii) of this subsection with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in (b) of this subsection; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest;

or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(8) "Capital portion of the rate" means the sum of the property and financing allowance rate allocations, as established in part E of this chapter.

(9) "Capitalization" means the recording of an expenditure as an asset.

~~((9))~~ (10) "Case mix" means a measure of the intensity of care and services needed by the residents of a nursing facility or a group of residents in the facility.

~~((10))~~ (11) "Case mix index" means a number representing the average case mix of a nursing facility.

~~((11))~~ (12) "Case mix weight" means a numeric score that identifies the relative resources used by a particular group of a nursing facility's residents.

~~((12))~~ (13) "Contractor" means a person or entity licensed under chapter 18.51 RCW to operate a medicare and medicaid certified nursing facility, responsible for operational decisions, and contracting with the department to provide services to medicaid recipients residing in the facility.

~~((13))~~ (14) "Default case" means no initial assessment has been completed for a resident and transmitted to the department by the cut-off date, or an assessment is otherwise past due for the resident, under state and federal requirements.

~~((14))~~ (15) "Department" means the department of social and health services (DSHS) and its employees.

~~((15))~~ (16) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

~~((16))~~ (17) "Direct care" means nursing care and related care provided to nursing facility residents. Therapy care shall not be considered part of direct care.

~~((17))~~ (18) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct care of a nursing facility's residents.

~~((18))~~ (19) "Entity" means an individual, partnership, corporation, limited liability company, or any other association of individuals capable of entering enforceable contracts.

~~((19))~~ (20) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

~~((20))~~ (21) "Facility" or "nursing facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a multiservice facility licensed as a nursing home, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

~~((21))~~ (22) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

~~((22))~~ (23) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

~~((23))~~ (24) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

~~((24))~~ (25) "Goodwill" means the excess of the price paid for a nursing facility business over the fair market value of all net identifiable tangible and intangible assets acquired, as measured in accordance with generally accepted accounting principles.

~~((25))~~ (26) "Grouper" means a computer software product that groups individual nursing facility residents into case mix classification groups based on specific resident assessment data and computer logic.

~~((26))~~ (27) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

~~((27))~~ (28) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

~~((26))~~ (29) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

~~((29))~~ (30) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

~~((30))~~ (31) "Medical care program" or "medicaid program" means medical assistance, including nursing care, provided under RCW 74.09.500 or authorized state medical care services.

~~((31))~~ (32) "Medical care recipient," "medicaid recipient," or "recipient" means an individual determined eligible by the department for the services provided under chapter 74.09 RCW.

~~((32))~~ (33) "Minimum data set" means the overall data component of the resident assessment instrument, indicating the strengths, needs, and preferences of an individual nursing facility resident.

~~((33))~~ (34) "Net book value" means the historical cost of an asset less accumulated depreciation.

~~((34))~~ (35) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles ~~((plus an allowance for working capital which shall be five percent of the product of the per patient day rate multiplied by the prior calendar year reported total patient days of each contractor))~~.

~~((35))~~ (36) "Noncapital portion of the rate" means the sum of the direct care, therapy care, operations, support services, and variable return rate allocations, as established in part E of this chapter.

~~(37)~~ (37) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((36))~~ (38) "Owner" means a sole proprietor, general or limited partners, members of a limited liability company, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

~~((37))~~ (39) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((38))~~ (40) "Patient day" or "resident day" means a calendar day of care provided to a nursing facility resident, regardless of payment source, which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A "medicaid day" or "recipient day" means a calendar day of care provided to a medicaid recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

~~((39))~~ (41) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((40))~~ (42) "Qualified therapist" means:

- (a) A mental health professional as defined by chapter 71.05 RCW;
- (b) A mental retardation professional who is a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;
- (c) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;
- (d) A physical therapist as defined by chapter 18.74 RCW;
- (e) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and
- (f) A respiratory care practitioner certified under chapter 18.89 RCW.

~~((41))~~ (43) "Rate" or "rate allocation" means the medicaid per-patient-day payment amount for medicaid patients calculated in accordance with the allocation methodology set forth in part E of this chapter.

~~((42))~~ (44) "Real property," whether leased or owned by the contractor, means the building, allowable land, land improvements, and building improvements associated with a nursing facility.

~~((43))~~ (45) "Rebased rate" or "cost-rebased rate" means a facility-specific component rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year designated as a year to be used for cost-rebasing payment rate allocations under the provisions of this chapter.

~~((44))~~ (46) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((45))~~ (47) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((46))~~ (48) "Related care" means only those services that are directly related to providing direct care to nursing facility residents. These services include, but are not limited to, nursing direction and supervision, medical direction, medical records, pharmacy services, activities, and social services.

~~((47))~~ (49) "Resident assessment instrument," including federally approved modifications for use in this state, means a federally mandated, comprehensive nursing facility resident care planning and assessment tool, consisting of the minimum data set and resident assessment protocols.

~~((48))~~ (50) "Resident assessment protocols" means those components of the resident assessment instrument that use the minimum data set to trigger or flag a resident's potential problems and risk areas.

~~((49))~~ (51) "Resource utilization groups" means a case mix classification system that identifies relative resources needed to care for an individual nursing facility resident.

~~((50))~~ (52) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((51))~~ (53) "Secretary" means the secretary of the department of social and health services.

~~((52))~~ (54) "Support services" means food, food preparation, dietary, housekeeping, and laundry services provided to nursing facility residents.

~~((53))~~ (55) "Therapy care" means those services required by a nursing facility resident's comprehensive assessment and plan of care, that are provided by qualified therapists, or support personnel under their supervision, including related costs as designated by the department.

~~((54))~~ (56) "Title XIX" or "medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended and the medicaid program administered by the department.

Sec. 2. RCW 74.46.360 and 1997 c 277 s 1 are each amended to read as follows:

(1) For all partial or whole rate periods after December 31, 1984, the cost basis of land and depreciation base of depreciable assets shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation, if applicable, which has been incurred during periods that the assets have been used in or as a facility by any contractor, such accumulated depreciation to be measured in accordance with subsections (4), (5), and (6) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The cost basis of land and depreciation base of depreciable assets will not exceed such fair market value.

(2) For new or replacement building construction or for substantial building additions requiring the acquisition of land and which commenced to operate on or after July 1, 1997, the department shall determine allowable land costs of the additional land acquired for the replacement construction or building additions to be the lesser of:

(a) The contractor's or lessor's actual cost per square foot; or

(b) The square foot land value as established by an appraisal that meets the latest publication of the Uniform Standards of Professional Appraisal Practice (USPAP) and the financial institutions reform, recovery, and enhancement act (FIRREA).

(3) Subject to the provisions of subsection (2) of this section, if, in the course of financing a project, an arm's-length lender has ordered a Uniform Standards of Professional Appraisal Practice appraisal on the land that meets financial institutions reform, recovery, and enhancement act standards and the arm's-length lender has accepted the ordered appraisal, the department shall accept the appraisal value as allowable land costs for calculation of payment.

If the contractor or lessor is unable or unwilling to provide or cause to be provided to the department, or the department is unable to obtain from the arm's-length lender, a lender-approved appraisal that meets the standards of the Uniform Standards of Professional Appraisal Practice and financial institutions reform, recovery, and enhancement act, the department shall order such an appraisal and accept the appraisal as the allowable land costs. If the department orders the Uniform Standards of Professional Appraisal Practice and financial institutions reform, recovery, and enhancement act appraisal, the contractor shall immediately reimburse the department for the costs incurred.

(4) The historical cost of depreciable and nondepreciable donated assets, or of depreciable and nondepreciable assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(5) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(6)(a) For facilities, other than those described under subsection (2) of this section, operating prior to July 1, 1997, where land or depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the cost basis or depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new cost basis or depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. For all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, depreciable or nondepreciable, occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers; PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease: PROVIDED FURTHER, That for any contractor that can document in writing an enforceable agreement for the purchase of a nursing home dated prior to July 18, 1984, and submitted to the department prior to January 1, 1988, the cost basis of allowable land and the depreciation base of the nursing home, for rates established after July 18, 1984, shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal procedure. For medicaid cost reimbursement purposes, an agreement to purchase a nursing home dated prior to July 18, 1984, is enforceable, even though such agreement contains

no legal description of the real property involved, notwithstanding the statute of frauds or any other provision of law.

(c) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase; or

(ii) To have the reimbursement for property and ~~((return on investment continue to be))~~ financing allowance calculated pursuant to ~~((the provisions contained in RCW 74.46.530(1) (e) and (f)))~~ this chapter based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) For all rate periods past or future where land or depreciable assets are acquired from a related organization, the contractor's cost basis and depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(e) Where the land or depreciable asset is a donation or distribution between related organizations, the cost basis or depreciation base shall be the lesser of (i) fair market value, less salvage value, or (ii) the cost basis or depreciation base the related organization had or would have had for the asset under a contract with the department.

Sec. 3. RCW 74.46.421 and 1998 c 322 s 18 are each amended to read as follows:

(1) The purpose of part E of this chapter is to determine nursing facility medicaid payment rates that, in the aggregate for all participating nursing facilities, are in accordance with the biennial appropriations act.

(2)(a) The department shall use the nursing facility medicaid payment rate methodologies described in this chapter to determine initial component rate allocations for each medicaid nursing facility.

(b) The initial component rate allocations shall be subject to adjustment as provided in this section in order to assure that the state-wide average payment rate to nursing facilities is less than or equal to the state-wide average payment rate specified in the biennial appropriations act.

(3) Nothing in this chapter shall be construed as creating a legal right or entitlement to any payment that (a) has not been adjusted under this section or (b) would cause the state-wide average payment rate to exceed the state-wide average payment rate specified in the biennial appropriations act.

(4)(a) The state-wide average payment rate for the capital portion of the rate for any state fiscal year under the nursing facility medicaid payment system, weighted by patient days, shall not exceed the annual state-wide weighted average nursing facility payment rate for the capital portion of the rate identified for that fiscal year in the biennial appropriations act.

(b) If the department determines that the weighted average nursing facility payment rate for the capital portion of the rate calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate for the capital portion of the rate identified in the biennial appropriations act, then the department shall adjust all nursing facility property and financing allowance payment rates proportional to the amount by which the weighted average rate allocations would otherwise exceed the budgeted capital portion of the rate amount. Any such adjustments shall only be made prospectively, not retrospectively, and shall be applied proportionately to each component rate allocation for each facility.

(5)(a) The state-wide average payment rate for the noncapital portion of the rate for any state fiscal year under the nursing facility payment system, weighted by patient days, shall not exceed the annual state-wide weighted average nursing facility payment rate for the noncapital portion of the rate identified for that fiscal year in the biennial appropriations act.

(b) If the department determines that the weighted average nursing facility payment rate for the noncapital portion of the rate calculated in accordance with this chapter is likely to exceed the weighted average nursing facility payment rate for the noncapital portion of the rate identified in the biennial appropriations act, then the department shall adjust all nursing facility direct care, therapy care, support services, operations, and variable return payment rates proportional to the amount by which the weighted average rate allocations would otherwise exceed the budgeted noncapital portion of the rate amount. Any such adjustments shall only be made prospectively, not retrospectively, and shall be applied proportionately to each direct care, therapy care, support services, operations, and variable return rate allocation for each facility.

Sec. 4. RCW 74.46.431 and 1998 c 322 s 19 are each amended to read as follows:

(1) Effective (~~October 1, 1998~~) July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have (~~six~~) seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return (~~(on investment)~~). The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) All component rate allocations shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2004, direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(k).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(k).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2004, therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2004, support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2004, operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of five dollars and fifteen cents per hour or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

Sec. 5. RCW 74.46.506 and 1998 c 322 s 25 are each amended to read as follows:

(1) The direct care component rate allocation corresponds to the provision of nursing care for one resident of a nursing facility for one day, including direct care supplies. Therapy services and supplies, which correspond to the therapy care component rate, shall be excluded. The direct care component rate includes elements of case mix determined consistent with the principles of this section and other applicable provisions of this chapter.

(2) Beginning October 1, 1998, the department shall determine and update quarterly for each nursing facility serving medicaid residents a facility-specific per-resident day direct care component rate allocation, to be effective on the first day of each calendar quarter. In determining direct care component rates the department shall utilize, as specified in this section, minimum data set resident assessment data for each resident of the facility, as transmitted to, and if necessary corrected by, the department in the resident assessment instrument format approved by federal authorities for use in this state.

(3) The department may question the accuracy of assessment data for any resident and utilize corrected or substitute information, however derived, in determining direct care component rates. The department is authorized to impose civil fines and to take adverse rate actions against a contractor, as specified by the department in rule, in order to obtain compliance with resident assessment and data transmission requirements and to ensure accuracy.

(4) Cost report data used in setting direct care component rate allocations shall be 1996 and 1999, for rate periods as specified in RCW 74.46.431(4)(a).

(5) Beginning October 1, 1998, the department shall rebase each nursing facility's direct care component rate allocation as described in RCW 74.46.431, adjust its direct care component rate allocation for economic trends and conditions as described in RCW 74.46.431, and update its medicaid average case mix index, consistent with the following:

(a) Reduce total direct care costs reported by each nursing facility for the applicable cost report period specified in RCW 74.46.431(4)(a) to reflect any department adjustments, and to eliminate reported resident therapy costs and adjustments, in order to derive the facility's total allowable direct care cost;

(b) Divide each facility's total allowable direct care cost by its adjusted resident days for the same report period, increased if necessary to a minimum occupancy of eighty-five percent; that is, the greater of actual or imputed occupancy at eighty-five percent of licensed beds, to derive the facility's allowable direct care cost per resident day;

(c) Adjust the facility's per resident day direct care cost by the applicable factor specified in RCW 74.46.431(4) (b) and (c) to derive its adjusted allowable direct care cost per resident day;

(d) Divide each facility's adjusted allowable direct care cost per resident day by the facility average case mix index for the applicable quarters specified by RCW 74.46.501(7)(b) to derive the facility's allowable direct care cost per case mix unit;

(e) Divide nursing facilities into two peer groups: Those located in metropolitan statistical areas as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government, and those not located in a metropolitan statistical area;

(f) Array separately the allowable direct care cost per case mix unit for all metropolitan statistical area and for all nonmetropolitan statistical area facilities,

and determine the median allowable direct care cost per case mix unit for each peer group;

(g) Except as provided in (k) of this subsection, from October 1, 1998, through June 30, 2000, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than eighty-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to eighty-five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred fifteen percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred fifteen percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between eighty-five and one hundred fifteen percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(h) Except as provided in (k) of this subsection, from July 1, 2000, through June 30, 2002, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than ninety percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred ten percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred ten percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between ninety and one hundred ten percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(i) From July 1, 2002, through June 30, 2004, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than ninety-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety-five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred five percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred five percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between ninety-five and one hundred five percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(j) Beginning July 1, 2004, determine each facility's quarterly direct care component rate by multiplying the facility's peer group median allowable direct care cost per case mix unit by that facility's medicaid average case mix index from the applicable quarter as specified in RCW 74.46.501(7)(c).

(k)(i) Between October 1, 1998, and June 30, 2000, the department shall compare each facility's direct care component rate allocation calculated under (g) of this subsection with the facility's nursing services component rate in effect on June 30, 1998, less therapy costs, plus any exceptional care offsets as reported on the cost report, adjusted for economic trends and conditions as provided in RCW 74.46.431. A facility shall receive the higher of the two rates;

(ii) Between July 1, 2000, and June 30, 2002, the department shall compare each facility's direct care component rate allocation calculated under (h) of this subsection with the facility's direct care component rate in effect on June 30, 2000. A facility shall receive the higher of the two rates.

(6) The direct care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate~~

~~allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

Sec. 6. RCW 74.46.511 and 1998 c 322 s 26 are each amended to read as follows:

(1) The therapy care component rate allocation corresponds to the provision of medicaid one-on-one therapy provided by a qualified therapist as defined in this chapter, including therapy supplies and therapy consultation, for one day for one medicaid resident of a nursing facility. The therapy care component rate allocation for October 1, 1998, through June 30, 2001, shall be based on adjusted therapy costs and days from calendar year 1996. The therapy component rate allocation for July 1, 2001, through June 30, 2004, shall be based on adjusted therapy costs and days from calendar year 1999. The therapy care component rate shall be adjusted for economic trends and conditions as specified in RCW 74.46.431(5)(b), and shall be determined in accordance with this section.

(2) In rebasing, as provided in RCW 74.46.431(5)(a), the department shall take from the cost reports of facilities the following reported information:

(a) Direct one-on-one therapy charges for all residents by payer including charges for supplies;

(b) The total units or modules of therapy care for all residents by type of therapy provided, for example, speech or physical. A unit or module of therapy care is considered to be fifteen minutes of one-on-one therapy provided by a qualified therapist or support personnel; and

(c) Therapy consulting expenses for all residents.

(3) The department shall determine for all residents the total cost per unit of therapy for each type of therapy by dividing the total adjusted one-on-one therapy expense for each type by the total units provided for that therapy type.

(4) The department shall divide medicaid nursing facilities in this state into two peer groups:

(a) Those facilities located within a metropolitan statistical area; and

(b) Those not located in a metropolitan statistical area.

Metropolitan statistical areas and nonmetropolitan statistical areas shall be as determined by the United States office of management and budget or other applicable federal office. The department shall array the facilities in each peer group from highest to lowest based on their total cost per unit of therapy for each therapy type. The department shall determine the median total cost per unit of therapy for each therapy type and add ten percent of median total cost per unit of therapy. The cost per unit of therapy for each therapy type at a nursing facility shall be the lesser of its cost per unit of therapy for each therapy type or the median total cost per unit plus ten percent for each therapy type for its peer group.

(5) The department shall calculate each nursing facility's therapy care component rate allocation as follows:

(a) To determine the allowable total therapy cost for each therapy type, the allowable cost per unit of therapy for each type of therapy shall be multiplied by the total therapy units for each type of therapy;

(b) The medicaid allowable one-on-one therapy expense shall be calculated taking the allowable total therapy cost for each therapy type times the medicaid percent of total therapy charges for each therapy type;

(c) The medicaid allowable one-on-one therapy expense for each therapy type shall be divided by total adjusted medicaid days to arrive at the medicaid one-on-one therapy cost per patient day for each therapy type;

(d) The medicaid one-on-one therapy cost per patient day for each therapy type shall be multiplied by total adjusted patient days for all residents to calculate the total allowable one-on-one therapy expense. The lesser of the total allowable therapy consultant expense for the therapy type or a reasonable percentage of allowable therapy consultant expense for each therapy type, as established in rule by the department, shall be added to the total allowable one-on-one therapy expense to determine the allowable therapy cost for each therapy type;

(e) The allowable therapy cost for each therapy type shall be added together, the sum of which shall be the total allowable therapy expense for the nursing facility;

(f) The total allowable therapy expense will be divided by the greater of adjusted total patient days from the cost report on which the therapy expenses were reported, or patient days at eighty-five percent occupancy of licensed beds. The outcome shall be the nursing facility's therapy care component rate allocation.

(6) The therapy care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

Sec. 7. RCW 74.46.515 and 1998 c 322 s 27 are each amended to read as follows:

(1) The support services component rate allocation corresponds to the provision of food, food preparation, dietary, housekeeping, and laundry services for one resident for one day.

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's support services component rate allocation using cost report data specified by RCW 74.46.431(6).

(3) To determine each facility's support services component rate allocation, the department shall:

(a) Array facilities' adjusted support services costs per adjusted resident day for each facility from facilities' cost reports from the applicable report year, for facilities located within a metropolitan statistical area, and for those not located in any metropolitan statistical area and determine the median adjusted cost for each peer group;

(b) Set each facility's support services component rate at the lower of the facility's per resident day adjusted support services costs from the applicable cost report period or the adjusted median per resident day support services cost for that facility's peer group, either metropolitan statistical area or nonmetropolitan statistical area, plus ten percent; and

(c) Adjust each facility's support services component rate for economic trends and conditions as provided in RCW 74.46.431(6).

(4) The support services component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

Sec. 8. RCW 74.46.521 and 1998 c 322 s 28 are each amended to read as follows:

(1) The operations component rate allocation corresponds to the general operation of a nursing facility for one resident for one day, including but not limited to management, administration, utilities, office supplies, accounting and bookkeeping, minor building maintenance, minor equipment repairs and replacements, and other supplies and services, exclusive of direct care, therapy care, support services, property, financing allowance, and variable return ~~((on investment))~~.

(2) Beginning October 1, 1998, the department shall determine each medicaid nursing facility's operations component rate allocation using cost report data specified by RCW 74.46.431(7)(a).

(3) To determine each facility's operations component rate the department shall:

(a) Array facilities' adjusted general operations costs per adjusted resident day for each facility from facilities' cost reports from the applicable report year, for facilities located within a metropolitan statistical area and for those not located in a metropolitan statistical area and determine the median adjusted cost for each peer group;

(b) Set each facility's operations component rate at the lower of the facility's per resident day adjusted operations costs from the applicable cost report period or the adjusted median per resident day general operations cost for that facility's peer group, metropolitan statistical area or nonmetropolitan statistical area; and

(c) Adjust each facility's operations component rate for economic trends and conditions as provided in RCW 74.46.431(7)(b).

(4) The operations component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

NEW SECTION. Sec. 9. (1) The department shall establish for each medicaid nursing facility a variable return component rate allocation. In determining the variable return allowance:

(a) The variable return array and percentage assigned at the October 1, 1998, rate setting shall remain in effect until June 30, 2001.

(b) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the sum of the facility's direct care, therapy care, support services, and operations rate components. The percentage amounts will be based on groupings of facilities according to the rankings prescribed in (a) of this subsection, as applicable. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(2) The variable return rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

Sec. 10. 1998 c 322 s 29 (uncodified) is amended to read as follows:

(1) The property component rate allocation for each facility shall be determined by dividing the sum of the reported allowable prior period actual depreciation, subject to RCW 74.46.310 through 74.46.380, adjusted for any capitalized additions or replacements approved by the department, and the retained savings from such cost center, by the greater of a facility's total resident days for the facility in the prior period or resident days as calculated on eighty-five percent facility occupancy. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total resident days used in computing the property component rate shall be adjusted to anticipated resident day level.

(2) A nursing facility's property component rate allocation shall be rebased annually, effective July 1st or October 1st as applicable, in accordance with this section and this chapter.

(3) When a certificate of need for a new facility is requested, the department, in reaching its decision, shall take into consideration per-bed land and building construction costs for the facility which shall not exceed a maximum to be established by the secretary.

(4) For the purpose of calculating a nursing facility's property component rate, if a contractor elects to bank licensed beds or to convert banked beds to active service, under chapter 70.38 RCW, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease or increase in licensed bed capacity. However, in no case shall the department use less than eighty-five percent occupancy of the facility's licensed bed capacity after banking or conversion.

(5) The property component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with ~~((section 18 of this act))~~ RCW 74.46.421. ~~((If the department determines that the weighted average rate allocations for all rate components for all facilities is likely to exceed the weighted average total rate specified in the state biennial appropriations act, the department shall adjust the rate allocations calculated in this section proportional to the amount by which the total weighted average rate allocations would otherwise exceed the budgeted level. Such adjustments shall only be made prospectively, not retrospectively.))~~

NEW SECTION. Sec. 11. (1) Beginning July 1, 1999, the department shall establish for each medicaid nursing facility a financing allowance component rate allocation. The financing allowance component rate shall be rebased annually, effective July 1st, in accordance with the provisions of this section and this chapter.

(2) The financing allowance shall be determined by multiplying the net invested funds of each facility by .10, and dividing by the greater of a nursing facility's total resident days from the most recent cost report period or resident days calculated on eighty-five percent facility occupancy. However, assets acquired on or after the effective date of this section shall be grouped in a separate financing allowance calculation that shall be multiplied by .085. The financing allowance factor of .085 shall not be applied to the net invested funds pertaining to new construction or major renovations receiving certificate of need approval or an exemption from certificate of need requirements under chapter 70.38 RCW, or to working drawings that have been submitted to the department of health for construction review approval, prior to the effective date of this section. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total resident days used in computing the financing allowance shall be adjusted to the greater of the anticipated resident day level or eighty-five percent of the new licensed bed capacity.

(3) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing resident care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(4) For the purpose of calculating a nursing facility's financing allowance component rate, if a contractor elects to bank licensed beds or to convert banked beds to active service, under chapter 70.38 RCW, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease or increase in licensed bed capacity. However, in no case shall the department use less than eighty-five percent occupancy of the facility's licensed bed capacity after banking or conversion.

(5) The financing allowance rate allocation calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

NEW SECTION. Sec. 12. (1) In the case of a facility that was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total resident days, minus the property component rate allocation, is more than the sum of the financing allowance and the variable return rate determined according to this chapter, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such a determination is shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under (a) of this subsection and the variable return rate shall be compared to the annualized lease payment, plus

any interest and depreciation associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total resident days, minus the property component rate. The lesser of the two amounts shall be called the alternate return on investment rate.

(c) The sum of the financing allowance and variable return rate determined according to this chapter or the alternate return on investment rate, whichever is greater, shall be added to the prospective rates of the contractor.

(2) In the case of a facility that was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended under a provision of the lease, the treatment provided in subsection (1) of this section shall be applied, except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(3) The alternate return on investment component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

Sec. 13. RCW 74.46.350 and 1980 c 177 s 35 are each amended to read as follows:

(1) Buildings, land improvements, and fixed equipment shall be depreciated using the straight-line method of depreciation. For new or replacement building construction or for major renovations, either of which receives certificate of need approval or certificate of need exemption under chapter 70.38 RCW on or after the effective date of this section, the number of years used to depreciate fixed equipment shall be the same number of years as the life of the building to which it is affixed. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years' digits method, or declining balance method not to exceed one hundred fifty percent of the straight line rate. Contractors who have elected to take either the sum-of-the-years' digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes which are neither necessary nor related to patient care.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to RCW 74.46.360.

Sec. 14. RCW 74.46.370 and 1997 c 277 s 2 are each amended to read as follows:

(1) Except for new buildings, major remodels, and major repair projects, as defined in subsection (2) of this section, the contractor shall use lives which reflect the estimated actual useful life of the asset and which shall be no shorter than guideline lives as established by the department. Lives shall be measured from the

date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition of the asset, whichever is more recent. In cases where RCW 74.46.360(6)(a) does apply, the shortest life that may be used for buildings is the remaining useful life under the prior contract. In all cases, lives shall be extended to reflect periods, if any, when assets were not used in or as a facility.

(2) Effective July 1, 1997, for asset acquisitions and new facilities, major remodels, and major repair projects that begin operations on or after July 1, 1997, the department shall use the most current edition of Estimated Useful Lives of Depreciable Hospital Assets, or as it may be renamed, published by the American Hospital Publishing, Inc., an American hospital association company, for determining the useful life of new buildings, major remodels, and major repair projects, however, the shortest life that may be used for new buildings receiving certificate of need approval or certificate of need exemptions under chapter 70.38 RCW on or after the effective date of this section, is ((thirty)) forty years. New buildings, major remodels, and major repair projects include those projects that meet or exceed the expenditure minimum established by the department of health pursuant to chapter 70.38 RCW.

(3) Building improvements, other than major remodels and major repairs, shall be depreciated over the remaining useful life of the building, as modified by the improvement.

(4) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(5) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

(6) For new or replacement building construction or for major renovations, either of which receives certificate of need approval or certificate of need exemption under chapter 70.38 RCW on or after the effective date of this section, the number of years used to depreciate fixed equipment shall be the same number of years as the life of the building to which it is affixed.

NEW SECTION. Sec. 15. If a contractor experiences an increase in state or county property taxes as a result of new building construction, replacement building construction, or substantial building additions that require the acquisition of land, then the department shall adjust the contractor's prospective rates to cover the medicaid share of the tax increase. The rate adjustments shall only apply to construction and additions completed on or after July 1, 1997. The rate adjustments authorized by this section are effective on the first day after July 1, 1999, on which the increased tax payment is due. Rate adjustments made under this section are subject to all applicable cost limitations contained in this chapter.

NEW SECTION. Sec. 16. Sections 9 through 12 and 15 of this act are each added to part E of chapter 74.46 RCW.

NEW SECTION. Sec. 17. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 74.46.— and 1999 c . . . s 9 (section 9 of this act);
- (2) RCW 74.46.— and 1999 c . . . s 10 (section 10 of this act) & 1998 c 322 s 29 (uncodified);
- (3) RCW 74.46.— and 1999 c . . . s 11 (section 11 of this act);
- (4) RCW 74.46.— and 1999 c . . . s 12 (section 12 of this act);
- (5) RCW 74.46.350 (Methods of depreciation) and 1999 c . . . s 13 (section 13 of this act) & 1980 c 177 s 35;
- (6) RCW 74.46.370 (Lives of assets) and 1999 c . . . s 14 (section 14 of this act), 1997 c 277 s 2, & 1980 c 177 s 37; and
- (7) RCW 74.46.— and 1999 c . . . s 15 (section 15 of this act).

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Section 11 of this act takes effect immediately, and sections 1 through 10 and 12 through 17 take effect July 1, 1999.

Passed the House April 23, 1999.

Passed the Senate April 21, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 354

[Second Substitute House Bill 1116]

LONG-TERM CARE—DISCLOSURE OF TERMS AND COSTS

AN ACT Relating to long-term care; and amending RCW 74.39A.170 and 43.20B.080.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 74.39A.170 and 1995 1st sp.s. c 18 s 56 are each amended to read as follows:

(1) All payments made in state-funded long-term care shall be recoverable as if they were medical assistance payments subject to recovery under 42 U.S.C. Sec. 1396p and chapter 43.20B RCW, but without regard to the recipient's age.

(2) In determining eligibility for state-funded long-term care services programs, the department shall impose the same rules with respect to the transfer of assets for less than fair market value as are imposed under 42 U.S.C. 1396p with respect to nursing home and home and community services.

(3) It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery to all persons offered long-term care services subject to recovery of payments.

(4) In disclosing estate recovery costs to potential clients, and to family members at the consent of the client, the department shall provide a written description of the community service options.

(5) The department of social and health services shall develop an implementation plan for notifying the client or his or her legal representative at least quarterly of the types of services used and the cost of those services (debt) that will be charged against the estate. The estate planning implementation plan shall be submitted by December 12, 1999, to the appropriate standing committees of the house of representatives and the senate, and to the joint legislative and executive task force on long-term care.

Sec. 2. RCW 43.20B.080 and 1997 c 392 s 302 are each amended to read as follows:

(1) The department shall file liens, seek adjustment, or otherwise effect recovery for medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p.

(2) Liens may be adjusted by foreclosure in accordance with chapter 61.12 RCW.

(3) In the case of an individual who was fifty-five years of age or older when the individual received medical assistance, the department shall seek adjustment or recovery from the individual's estate, and from nonprobate assets of the individual as defined by RCW 11.02.005, but only for medical assistance consisting of nursing facility services, home and community-based services, other services that the department determines to be appropriate, and related hospital and prescription drug services. Recovery from the individual's estate, including foreclosure of liens imposed under this section, shall be undertaken as soon as practicable, consistent with 42 U.S.C. Sec. 1396p.

(4) The department shall apply the medical assistance estate recovery law as it existed on the date that benefits were received when calculating an estate's liability to reimburse the department for those benefits.

(5)(a) The department shall establish procedures consistent with standards established by the federal department of health and human services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when such recovery would work an undue hardship.

(b) Recovery of medical assistance from a recipient's estate shall not include property made exempt from claims by federal law or treaty, including exemption for tribal artifacts that may be held by individual Native Americans.

(6) A lien authorized under subsections (1) through (5) of this section relates back to attach to any real property that the decedent had an ownership interest in immediately before death and is effective as of that date.

(7) The department is authorized to adopt rules to effect recovery under this section. The department may adopt by rule later enactments of the federal laws referenced in this section.

~~(8) (The office of financial management shall review the cost and feasibility of the department of social and health services collecting the client copayment for long-term care consistent with the terms and conditions of RCW 74.39A.120, and the cost impact to community providers under the current system for collecting the~~

~~client's copayment in addition to the amount charged to the client for estate recovery, and report to the legislature by December 12, 1997:)) It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery to all persons offered long-term care services subject to recovery of payments.~~

~~(9) In disclosing estate recovery costs to potential clients, and to family members at the consent of the client, the department shall provide a written description of the community service options.~~

~~(10) The department of social and health services shall develop an implementation plan for notifying the client or his or her legal representative at least quarterly of the types of services used and the cost of those services (debt) that will be charged against the estate. The estate planning implementation plan shall be submitted by December 12, 1999, to the appropriate standing committees of the house of representatives and the senate, and to the joint legislative and executive task force on long-term care.~~

Passed the House April 19, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 355

[House Bill 1194]

THIRD-PARTY BOARDING HOME ACCREDITATION—PILOT PROJECT

AN ACT Relating to a pilot project for third-party accreditation of boarding homes; and amending 1998 c 92 s 1 (uncodified).

Be it enacted by the Legislature of the State of Washington:

Sec. 1. 1998 c 92 s 1 (uncodified) is amended to read as follows:

(1) The legislature recognizes the need to involve the boarding home industry, the consumers of assisted living and retirement services, the long-term care ombudsman, and state regulatory agencies in the collaborative process of developing standards and procedures for accreditation of licensed boarding homes. As participants, consumers can help develop standards that more closely address their needs and make the accreditation of boarding home providers more meaningful to them when choosing among competitors. Providers can maintain flexibility in the marketplace and more quickly recognize and respond to the changing needs of its client base. Regulatory agencies can save money and remain assured that performance standards are high. For these reasons, the legislature finds that it is in the best interests of the boarding home industry, boarding home consumers, and state regulatory agencies to support an industry-funded pilot program (~~(prior to changing or developing new standards for boarding home regulation)~~).

(2) A coalition of assisted living providers represented by state-wide assisted living professional trade associations, the long-term care ombudsman, state regulatory agencies, and consumer groups representing, but not limited to, the assisted living clientele such as the senior lobby, the American association of retired persons, and the alzheimer's association shall develop a plan for implementing a pilot program for the third-party accreditation of boarding homes licensed under RCW 18.20.020. The assisted living third-party accreditation pilot project coalition shall remain active until December 12, 2001. The pilot plan must be funded by the northwest assisted living ((~~federation of America~~) facilities association. Funds for conducting this plan may also be received from other individuals and organizations in accordance with state law and upon the approval of the northwest assisted living facilities association. The plan shall review the overall feasibility of implementation, cost or savings to the regulating agency, impact on client health, safety, quality of care, quality of life, and financial and other impacts to the boarding home industry. ~~((The))~~ Pilot third-party boarding home accreditation ~~((plan))~~ progress reports shall be presented to the appropriate committees of the house of representatives and the senate by January 4, 1999 and by January 4, 2000. The final pilot third-party boarding home accreditation plan shall be submitted to the appropriate committees of the house of representatives and the senate no later than December 12, 2001.

Passed the House April 19, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 356

[Substitute House Bill 1969]

NONPROFIT HOMES FOR THE AGING—PROPERTY TAX EXEMPTION

AN ACT Relating to the property tax exemption for nonprofit homes for the aging; amending RCW 84.36.041; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 84.36.041 and 1998 c 311 s 20 are each amended to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or

(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (1)(b), consistent with the purposes of this section.

(2) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and the construction, rehabilitation, acquisition, or refinancing of the home is financed under a program using bonds exempt from federal income tax if at least seventy-five percent of the total amount financed uses the tax exempt bonds and the financing program requires the home to reserve a percentage of all dwelling units so financed for low-income residents. The initial term of the exemption under this subsection shall equal the term of the tax exempt bond used in connection with the financing program, or the term of the requirement to reserve dwelling units for low-income residents, whichever is shorter. If the financing program involves less than the entire home, only those dwelling units included in the financing program are eligible for total exemption. The department of revenue shall provide by rule the requirements for monitoring compliance with the provisions of this subsection and the requirements for exemption including:

(a) The number or percentage of dwelling units required to be occupied by low-income residents, and a definition of low income;

(b) The type and character of the dwelling units, whether independent units or otherwise; and

(c) Any particular requirements for continuing care retirement communities.

(3) A home for the aging is eligible for a partial exemption on the real property and a total exemption for the home's personal property if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents, as follows:

(a) A partial exemption shall be allowed for each dwelling unit in a home occupied by a resident requiring assistance with activities of daily living.

(b) A partial exemption shall be allowed for each dwelling unit in a home occupied by an eligible resident.

(c) A partial exemption shall be allowed for an area jointly used by a home for the aging and by a nonprofit organization, association, or corporation currently exempt from property taxation under one of the other provisions of this chapter. The shared area must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property taxation under one of the other provisions of this chapter, such as kitchen, dining, and laundry areas.

(d) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home, less the assessed value of any area exempt under (c) of this subsection, by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible residents and by residents requiring assistance with activities of daily living. The denominator of the fraction is the total number of occupied dwelling units as of December 31st of the first assessment year the home becomes operational for which exemption is claimed and January 1st of ((the)) each subsequent assessment year for which exemption is claimed.

(4) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(5) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(6) In order for the home to be eligible for exemption under subsections (1)(a) and ~~((2))~~ (3)(b) of this section, each eligible resident of a home for the aging shall submit an income verification form to the county assessor by July 1st of the assessment year ~~((in which the application for exemption is made))~~ for which exemption is claimed. However, during the first year a home becomes operational, the county assessor shall accept income verification forms from eligible residents up to December 31st of the assessment year. The income verification form shall be prescribed and furnished by the department of revenue. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(7) In determining the ~~((assessed))~~ true and fair value of a home for the aging for purposes of the partial exemption provided by subsection (3) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for which such partial exemptions are available and shall not consider potential uses of such property.

(8) As used in this section:

(a) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as a principal place of residence as of ~~((January 1st))~~ December 31st of the first assessment year the home becomes operational. In each subsequent year, the eligible resident must occupy the dwelling unit as a principal place of residence as of January 1st of the assessment year for which the exemption is claimed. Confinement of the person to a hospital or nursing home does not disqualify the claim of exemption if the dwelling unit is temporarily unoccupied or if the dwelling unit is occupied by a spouse, a person financially dependent on the claimant for support, or both; and

(ii) Is sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. Any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income of no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the person resides. For the purposes of

determining eligibility under this section, a "cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or his or her spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home. If the person submitting the income verification form was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person submitting the income verification form is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(c) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(i) Capital gains, other than ~~((nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or))~~ gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(ii) Amounts deducted for loss;

(iii) Amounts deducted for depreciation;

(iv) Pension and annuity receipts;

(v) Military pay and benefits other than attendant-care and medical-aid payments;

(vi) Veterans benefits other than attendant-care and medical-aid payments;

(vii) Federal social security act and railroad retirement benefits;

(viii) Dividend receipts; and

(ix) Interest received on state and municipal bonds.

(d) "Resident requiring assistance with activities of daily living" means a person who requires significant assistance with the activities of daily living and who would be at risk of nursing home placement without this assistance.

(e) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-one years of age or who have needs for care generally compatible with

persons who are at least sixty-one years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

(9) A for-profit home for the aging that converts to nonprofit status after June 11, 1992, and would otherwise be eligible for tax exemption under this section may not receive the tax exemption until five years have elapsed since the conversion. The exemption shall then be ratably granted over the next five years.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House April 20, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 357

[House Bill 1741]

TAX REPORTING

AN ACT Relating to simplifying tax reporting by revising the active nonreporting threshold so that it parallels the small business credit; amending RCW 82.32.045 and 82.32.080; creating a new section; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 82.32.045 and 1996 c 111 s 3 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than (~~twenty-four~~) twenty-eight thousand dollars per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

NEW SECTION. Sec. 2. It is the intent of the legislature to allow the department of revenue to increase its ability to provide timely and cost-effective service to taxpayers.

Sec. 3. RCW 82.32.080 and 1997 c 156 s 3 are each amended to read as follows:

Payment of the tax may be made by uncertified check under such regulations as the department shall prescribe, but, if a check so received is not paid by the bank on which it is drawn, the taxpayer, by whom such check is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such check had not been tendered.

Payment of the tax shall be made by electronic funds transfer, as defined in RCW 82.32.085, if the amount of the tax due in a calendar year is one million eight hundred thousand dollars or more. The department may by rule provide for tax thresholds between two hundred forty thousand dollars and one million eight hundred thousand dollars for mandatory use of electronic funds transfer. All taxes administered by this chapter are subject to this requirement except the taxes authorized by chapters 82.14A, 82.14B, 82.24, 82.27, 82.29A, and 84.33 RCW. It is the intent of this section to require electronic funds transfer for those taxes reported on the department's combined excise tax return or any successor return.

A return or remittance which is transmitted to the department by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it, except as otherwise provided in this chapter. The department is authorized to allow electronic filing of returns or remittances from any taxpayer. A return or remittance which is transmitted to the department electronically shall be deemed filed or received according to procedures set forth by the department.

The department, for good cause shown, may extend the time for making and filing any return, and may grant such reasonable additional time within which to make and file returns as it may deem proper, but any permanent extension granting the taxpayer a reporting date without penalty more than ten days beyond the due date, and any extension in excess of thirty days shall be conditional on deposit with the department of an amount to be determined by the department which shall be approximately equal to the estimated tax liability for the reporting period or periods for which the extension is granted. In the case of a permanent extension or a temporary extension of more than thirty days the deposit shall be deposited within the state treasury with other tax funds and a credit recorded to the taxpayer's account which may be applied to taxpayer's liability upon cancellation of the permanent extension or upon reporting of the tax liability where an extension of more than thirty days has been granted.

The department shall review the requirement for deposit at least annually and may require a change in the amount of the deposit required when it believes that such amount does not approximate the tax liability for the reporting period or periods for which the extension is granted.

The department shall keep full and accurate records of all funds received and disbursed by it. Subject to the provisions of RCW 82.32.105 and 82.32.350, the department shall apply the payment of the taxpayer first against penalties and interest, and then upon the tax, without regard to any direction of the taxpayer.

The department may refuse to accept any return which is not accompanied by a remittance of the tax shown to be due thereon. When such return is not accepted, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the procedures provided in RCW 82.32.100 and to the penalties provided in RCW 82.32.090. The above authority to refuse to accept a return shall not apply when a return is timely filed and a timely payment has been made by electronic funds transfer.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the House April 19, 1999.

Passed the Senate April 13, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 358

[Substitute House Bill 1623]

TAX CODE—ADMINISTRATIVE CORRECTIONS

AN ACT Relating to updating the tax code by making administrative clarifications, correcting oversights, and deleting obsolete references; amending RCW 82.04.3651, 82.08.02567, 82.08.0266, 82.08.02665, 82.04.355, 82.12.020, 82.12.02567, 82.12.0282, 82.16.047, 82.32.060, 82.32.070, 82.35.080, 84.36.041, 84.36.350, 84.36.383, 83.100.020, and 11.02.005; reenacting RCW 82.04.270 and 82.04.270; adding a new section to chapter 82.12 RCW; repealing RCW 84.36.353 and 84.36.485; and providing effective dates.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 82.04.270 and 1998 c 312 s 6 and 1998 c 329 s 1 are each reenacted to read as follows:

Upon every person except persons taxable under RCW 82.04.260(5) ((~~or 82.04.332~~)) engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of 0.484 percent.

Sec. 2. RCW 82.04.270 and 1998 c 343 s 2 and 1999 c . . . s 1 (section 1 of this act) are each reenacted to read as follows:

Upon every person except persons taxable under RCW 82.04.260(5) or 82.04.272 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of 0.484 percent.

Sec. 3. RCW 82.04.3651 and 1998 c 336 s 2 are each amended to read as follows:

(1) This chapter does not apply to amounts received by nonprofit organizations, as defined in subsection (2) of this section, for fund-raising activities.

(2) As used in this section, a "nonprofit organization" means:

(a) An organization exempt from tax under section 501(c) (3), (4), or (10) of the federal internal revenue code (26 U.S.C. Sec. 501(c) (3), (4), or (10));

(b) A nonprofit organization that would qualify under (a) of this subsection except that it is not organized as a nonprofit corporation; or

(c) A nonprofit organization that (~~means {meets}}~~) meets all of the following criteria:

(i) The members, stockholders, officers, directors, or trustees of the organization do not receive any part of the organization's gross income, except as payment for services rendered;

(ii) The compensation received by any person for services rendered to the organization does not exceed an amount reasonable under the circumstances; and

(iii) The activities of the organization do not include a substantial amount of political activity, including but not limited to influencing legislation and participation in any campaign on behalf of any candidate for political office.

(3) As used in this section, the term "fund-raising activity" means (~~both activities involving the direct solicitation~~) soliciting or accepting contributions of money or other property (~~and~~) or activities involving the anticipated exchange of goods or services for money between the soliciting organization and the organization or person solicited, for the purpose of furthering the goals of the nonprofit organization. "Fund-raising activity" does not include the operation of a regular place of business in which sales are made during regular hours such as a bookstore, thrift shop, restaurant, or similar business or the operation of a regular place of business from which services are provided or performed during regular hours such as the provision of retail, personal, or professional services. The sale of used books, used videos, used sound recordings, or similar used information products in a library, as defined in RCW 27.12.010, is not the operation of a regular place of business for the purposes of this section, if the proceeds of the sales are used to support the library.

Sec. 4. RCW 82.08.02567 and 1998 c 309 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of machinery and equipment used directly in generating electricity using wind, sun, or landfill gas as the principal source of power, or to sales of or charges made for labor and

services rendered in respect to installing such machinery and equipment, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than two hundred kilowatts of electricity and provides the seller with an exemption certificate in a form and manner prescribed by the department by rule (~~(, and the purchaser provides the department with a duplicate of the certificate or a summary of exempt sales as the department may require)~~). The seller shall retain a copy of the certificate for the seller's files.

(2) For purposes of this section and RCW 82.12.02567:

(a) "Landfill gas" means biomass fuel of the type qualified for federal tax credits under 26 U.S.C. Sec. 29 collected from a landfill. "Landfill" means a landfill as defined under RCW 70.95.030;

(b) "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using wind, sun, or landfill gas as the principal source of power;

(c) "Machinery and equipment" does not include: (i) Hand-powered tools; (ii) property with a useful life of less than one year; (iii) repair parts required to restore machinery and equipment to normal working order; (iv) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (v) buildings; or (vi) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building;

(d) Machinery and equipment is "used directly" in generating electricity by wind energy, solar, or landfill gas power if it provides any part of the process that captures the energy of the wind, sun, or landfill gas, converts that energy to electricity, and transforms or transmits that electricity for entry into electric transmission and distribution systems.

(3) This section expires June 30, 2005.

Sec. 5. RCW 82.08.0266 and 1980 c 37 s 33 are each amended to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (1) the watercraft will not be used within this state for more than forty-five days and (2) an appropriate exemption certificate supported by identification ascertaining residence as ~~((provided)) required~~ by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, ~~((one)) a copy ((to be filed with the department of revenue with the regular report and a duplicate to be))~~ of which shall be retained by the dealer.

Sec. 6. RCW 82.08.02665 and 1993 c 119 s 1 are each amended to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales of vessels to residents of foreign countries for use outside of this state, even though delivery is made within this state, but only if (1) the vessel will not be used within this state for more than forty-five days and (2) an appropriate exemption certificate supported by identification as ~~((provided))~~ required by ~~((and filed with))~~ the department of revenue and signed by the purchaser or the purchaser's agent establishes the fact that the purchaser is a resident of a foreign country and that the vessel is for use outside of this state. ~~((One))~~ A copy of the exemption certificate ~~((is to be filed with the department of revenue and a duplicate))~~ is to be retained by the dealer.

As used in this section, "vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

NEW SECTION. Sec. 7. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of amusement and recreation services by a nonprofit youth organization, as defined in RCW 82.04.4271, to members of the organization.

Sec. 8. RCW 82.04.355 and 1979 c 111 s 17 are each amended to read as follows:

This chapter does not apply to any funds received in the course of commuter ride sharing or ride sharing for ~~((the elderly and the handicapped))~~ persons with special transportation needs in accordance with RCW 46.74.010.

Sec. 9. RCW 82.12.020 and 1998 c 332 s 7 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer:

(a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both ~~((; or (c) any amusement or recreation service defined as a retail sale in RCW 82.04.050(3)(a)))~~.

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050(3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or

82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters.

(4) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020.

Sec. 10. RCW 82.12.02567 and 1998 c 309 s 2 are each amended to read as follows:

(1) The provisions of this chapter shall not apply with respect to machinery and equipment used directly in generating not less than two hundred kilowatts of electricity using wind, sun, or landfill gas as the principal source of power(~~(, but only when the user provides the department with:~~

~~— (a) An exemption certificate in a form and manner prescribed by the department within sixty days of the first use of such machinery and equipment in this state; or~~

~~— (b) An annual summary listing the machinery and equipment by January 31st of the year following the calendar year in which the machinery and equipment is first used in this state)).~~

(2) The definitions in RCW 82.08.02567 apply to this section.

(3) This section expires June 30, 2005.

Sec. 11. RCW 82.12.0282 and 1996 c 88 s 4 are each amended to read as follows:

The tax imposed by this chapter shall not apply with respect to the use of passenger motor vehicles used as ride-sharing vehicles(~~(, as defined in RCW 46.74.010(3),))~~ by not less than five persons, including the driver, with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing, as defined in RCW 46.74.010(~~((1))~~), by not less than four persons including the driver when at least two of those persons are confined to wheelchairs when riding, or passenger motor vehicles where the primary usage is for ride-sharing for ((the elderly and the handicapped)) persons with special transportation needs, as defined in RCW 46.74.010(~~((2))~~), if the vehicles are exempt under RCW 82.44.015 for thirty-six consecutive months beginning within thirty days of application for exemption under this section. If used as a ride-sharing vehicle for less than thirty-six consecutive months, the registered owner of one of these vehicles shall notify the department of revenue upon termination of primary use of the vehicle as a ride-sharing vehicle and is liable for the tax imposed by this chapter.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated either within the state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public

transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

Sec. 12. RCW 82.16.047 and 1979 c 111 s 18 are each amended to read as follows:

This chapter does not apply to any funds received in the course of commuter ride sharing or ride sharing for ~~((the elderly and the handicapped in accordance with RCW 46.74.010))~~ persons with special transportation needs in accordance with RCW 46.74.010.

Sec. 13. RCW 82.32.060 and 1997 c 157 s 2 are each amended to read as follows:

(1) If, upon receipt of an application by a taxpayer for a refund or for an audit of the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050 any amount of tax, penalty, or interest has been paid in excess of that properly due, the excess amount paid within, or attributable to, such period shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at the taxpayer's option. Except as provided in subsections (2) and (3) of this section, no refund or credit shall be made for taxes, penalties, or interest paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

(2) The execution of a written waiver under RCW 82.32.050 or 82.32.100 shall extend the time for making a refund or credit of any taxes paid during, or attributable to, the years covered by the waiver if, prior to the expiration of the waiver period, an application for refund of such taxes is made by the taxpayer or the department discovers a refund or credit is due.

(3) Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally

determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

(4) Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide. However, taxpayers who are required to pay taxes by electronic funds transfer under RCW 82.32.080 shall have any refunds paid by electronic funds transfer.

(5) Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in the same manner, as provided in subsection (4) of this section, upon the filing with the department of a certified copy of the order or judgment of the court.

(a) Interest at the rate of three percent per annum shall be allowed by the department and by any court on the amount of any refund, credit, or other recovery allowed to a taxpayer for taxes, penalties, or interest paid by the taxpayer before January 1, 1992. This rate of interest shall apply for all interest allowed through December 31, 1998. Interest allowed after December 31, 1998, shall be computed at the rate as computed under RCW 82.32.050(2). The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(b) For refunds or credits of amounts paid or other recovery allowed to a taxpayer after December 31, 1991, the rate of interest shall be the rate as computed for assessments under RCW 82.32.050(2) less one percent. This rate of interest shall apply for all interest allowed through December 31, 1998. Interest allowed after December 31, 1998, shall be computed at the rate as computed under RCW 82.32.050(2). The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

Sec. 14. RCW 82.32.070 and 1997 c 54 s 4 are each amended to read as follows:

(1)((~~+~~)) Every person liable for any fee or tax imposed by chapters 82.04 through 82.27 RCW shall keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of any tax for which he may be liable, which records shall include copies of all federal income tax and state tax returns and reports made by him. All his books, records, and invoices shall be open for examination at any time by the department of revenue. In the case of an out-of-state person or concern which does not keep the necessary books and records within this state, it shall be sufficient if it produces within the state such books and records as shall be required by the department of revenue, or permits the examination by an agent authorized or designated by the department of revenue at the place where such books and records are kept. Any person who fails to comply with the requirements of this section shall be forever barred from questioning, in any court action or proceedings, the correctness of any assessment of taxes made

by the department of revenue based upon any period for which such books, records, and invoices have not been so kept and preserved.

~~((b))~~ (2) A person liable for any fee or tax imposed by chapters 82.04 through 82.27 RCW who contracts with another person or entity for work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve a record of the unified business identifier account number for the person or entity performing the work. Failure to obtain or maintain the record is subject to RCW 39.06.010 and to a penalty determined by the director, but not to exceed two hundred fifty dollars. The department shall notify the taxpayer and collect the penalty in the same manner as penalties under RCW 82.32.100.

~~((2) Any person claiming a credit against the tax imposed by chapter 82.04 RCW by reason of the provisions of RCW 82.04.435 shall keep and preserve until the claim has been verified or allowed by the department of revenue sufficient books, records and invoices to prove the right to and amount of such claim for credit, and no such claim shall be allowed by the department of revenue unless such books, records and invoices have been kept and preserved.))~~

Sec. 15. RCW 82.35.080 and 1996 c 186 s 522 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall revoke any certificate issued under this chapter if it finds that any of the following have occurred with respect to the certificate:

- (a) The certificate was obtained by fraud or deliberate misrepresentation;
- (b) The certificate was obtained through the use of inaccurate data but without any intention to commit fraud or misrepresentation;
- (c) The facility was constructed or operated in violation of any provision of this chapter or provision imposed by the department as a condition of certification; or
- (d) The cogeneration facility is no longer capable of being operated for the primary purpose of cogeneration.

(2) If the department finds that there are few inaccuracies under subsection (1)(b) of this section and that cumulatively they are insignificant in terms of the cost or operation of the facility or that the inaccurate data is not attributable to carelessness or negligence and its inclusion was reasonable under the circumstances, then the department may provide for the continuance of the certificate and whatever modification it considers in the public interest.

(3) Any person, firm, corporation, or organization that obtains a certificate revoked under this section shall be liable for the total amount of money saved by claiming the credits and exemptions provided under this chapter ~~((and RCW 84.36.485))~~. The total amount of the credits shall be collected as delinquent business and occupation taxes, and the total of the exemptions shall be collected and distributed as delinquent property taxes. Interest shall accrue on the amounts of the credits and exemptions from the date the taxes were otherwise due.

(4) The department of community, trade, and economic development shall provide technical assistance to the department in carrying out its responsibilities under this section.

Sec. 16. RCW 84.36.041 and 1998 c 311 s 20 are each amended to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or

(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (b), consistent with the purposes of this section.

(2) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and the construction, rehabilitation, acquisition, or refinancing of the home is financed under a program using bonds exempt from federal income tax if at least seventy-five percent of the total amount financed uses the tax exempt bonds and the financing program requires the home to reserve a percentage of all dwelling units so financed for low-income residents. The initial term of the exemption under this subsection shall equal the term of the tax exempt bond used in connection with the financing program, or the term of the requirement to reserve dwelling units for low-income residents, whichever is shorter. If the financing program involves less than the entire home, only those dwelling units included in the financing program are eligible for total exemption. The department of revenue shall provide by rule the requirements for monitoring compliance with the provisions of this subsection and the requirements for exemption including:

(a) The number or percentage of dwelling units required to be occupied by low-income residents, and a definition of low income;

(b) The type and character of the dwelling units, whether independent units or otherwise; and

(c) Any particular requirements for continuing care retirement communities.

(3) A home for the aging is eligible for a partial exemption on the real property and a total exemption for the home's personal property if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents, as follows:

(a) A partial exemption shall be allowed for each dwelling unit in a home occupied by a resident requiring assistance with activities of daily living.

(b) A partial exemption shall be allowed for each dwelling unit in a home occupied by an eligible resident.

(c) A partial exemption shall be allowed for an area jointly used by a home for the aging and by a nonprofit organization, association, or corporation currently exempt from property taxation under one of the other provisions of this chapter. The shared area must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property taxation under one of the other provisions of this chapter, such as kitchen, dining, and laundry areas.

(d) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home, less the assessed value of any area exempt under (c) of this subsection, by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible residents and by residents requiring assistance with activities of daily living. The denominator of the fraction is the total number of occupied dwelling units as of January 1st of the year for which exemption is claimed.

(4) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(5) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(6) In order for the home to be eligible for exemption under subsections (1)(a) and ~~((2))~~ (3)(b) of this section, each eligible resident of a home for the aging shall submit an income verification form to the county assessor by July 1st of the assessment year in which the application for exemption is ~~((made))~~ filed. The income verification form shall be prescribed and furnished by the department of revenue. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(7) In determining the assessed value of a home for the aging for purposes of the partial exemption provided by subsection (3) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for which such partial exemptions are available and shall not consider potential uses of such property.

(8) As used in this section:

(a) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as a principal place of residence as of January 1st of the year for which the exemption is ~~((claimed))~~ filed. Confinement of the person to a hospital or nursing home does not disqualify the claim of exemption if the dwelling unit is temporarily unoccupied or if the dwelling unit is occupied by a spouse, a person financially dependent on the claimant for support, or both; and

(ii) Is sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. Any surviving spouse of a person

who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income of no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the person resides. For the purposes of determining eligibility under this section, a "cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or his or her spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home. If the person submitting the income verification form was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person submitting the income verification form is reduced for two or more months of the preceding year by reason of the death of the person's spouse, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person after the death of the spouse by twelve.

(c) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(i) Capital gains, other than ~~((nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or))~~ gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(ii) Amounts deducted for loss;

(iii) Amounts deducted for depreciation;

(iv) Pension and annuity receipts;

(v) Military pay and benefits other than attendant-care and medical-aid payments;

(vi) Veterans benefits other than attendant-care and medical-aid payments;

(vii) Federal social security act and railroad retirement benefits;

(viii) Dividend receipts; and

(ix) Interest received on state and municipal bonds.

(d) "Resident requiring assistance with activities of daily living" means a person who requires significant assistance with the activities of daily living and who would be at risk of nursing home placement without this assistance.

(e) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

(9) A for-profit home for the aging that converts to nonprofit status after June 11, 1992, and would otherwise be eligible for tax exemption under this section may not receive the tax exemption until five years have elapsed since the conversion. The exemption shall then be ratably granted over the next five years.

Sec. 17. RCW 84.36.350 and 1975 1st ex.s. c 3 s 1 are each amended to read as follows:

(1) The following property shall be exempt from taxation:

(a) Real or personal property owned and used by a nonprofit corporation in connection with the operation of a sheltered workshop for handicapped persons, and used primarily in connection with the manufacturing and the handling, sale or distribution of goods constructed, processed, or repaired in such workshops or centers; and

(b) Inventory owned by a sheltered workshop for sale or lease by the sheltered workshop or to be furnished under a contract of service, including raw materials, work in process, and finished products.

(2) Unless a different meaning is plainly required by the context, "sheltered workshop" means a rehabilitation facility, or that part of a rehabilitation facility operated by a nonprofit corporation, where any manufacture or handiwork is carried on and operated for the primary purpose of: (a) Providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (b) providing evaluation and work adjustment services for handicapped individuals.

Sec. 18. RCW 84.36.383 and 1995 1st sp.s. c 8 s 2 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" (~~shall~~) means a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the

specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities(~~(- PROVIDED, That)~~). A mobile home located on land leased by the owner of the mobile home (~~(shall be)~~) is subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) "Department" (~~(shall)~~) means the state department of revenue.

(4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse during the assessment year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions; and

(b) The treatment or care of either person received in the home or in a nursing home.

(5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than (~~(nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or)~~) gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

Sec. 19. RCW 83.100.020 and 1998 c 292 s 401 are each amended to read as follows:

As used in this chapter:

- (1) "Decedent" means a deceased individual;
- (2) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;
- (3) "Federal credit" means (a) for a transfer, the maximum amount of the credit for state taxes allowed by section 2011 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the maximum amount of the credit for state taxes allowed by section 2604 of the Internal Revenue Code;
- (4) "Federal return" means any tax return required by chapter 11 or 13 of the Internal Revenue Code;
- (5) "Federal tax" means (a) for a transfer, a tax under chapter 11 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the tax under chapter 13 of the Internal Revenue Code;
- (6) "Generatiou-skipping transfer" means a "generation-skipping transfer" as defined and used in section 2611 of the Internal Revenue Code;
- (7) "Gross estate" means "gross estate" as defined and used in section 2031 of the Internal Revenue Code;
- (8) "Nonresident" means a decedent who was domiciled outside Washington at his death;
- (9) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;
- (10) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the Internal Revenue Code, such as the personal representative of an estate; or a transferor, trustee, or beneficiary of a generation-skipping transfer; or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the Internal Revenue Code;
- (11) "Property" means (a) for a transfer, property included in the gross estate; and (b) for a generation-skipping transfer, all real and personal property subject to the federal tax;
- (12) "Resident" means a decedent who was domiciled in Washington at time of death;
- (13) "Transfer" means "transfer" as used in section 2001 of the Internal Revenue Code, or a disposition or cessation of qualified use as defined and used in section 2032A(c) of the Internal Revenue Code;
- (14) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code; and

(15) "Internal Revenue Code" means, for the purposes of this chapter and RCW 83.110.010, the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, (~~1998~~) 1999.

Sec. 20. RCW 11.02.005 and 1998 c 292 s 117 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the deceased person's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawful adopted children.

(5) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statute of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Will" means an instrument validly executed as required by RCW 11.12.020.

(9) "Codicil" means a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.

(10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010

and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(15) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, payable on death or trust bank account, transfer on death security or security account, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, RCW 11.07.010(5) applies. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, see RCW 11.07.010(5). For the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7).

(16) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, (~~1998~~) 1999.

Words that import the singular number may also be applied to the plural of persons and things.

Words importing the masculine gender only may be extended to females also.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) RCW 84.36.353 (Property owned or used for sheltered workshops for handicapped—Shelter workshop defined) and 1998 c 311 s 22 & 1970 ex.s. c 81 s 2; and

(2) RCW 84.36.485 (Cogeneration facilities—Claims for exemption—Forms—Verification—Administrative rules) and 1979 ex.s. c 191 s 9.

NEW SECTION. Sec. 22. Sections 1 and 3 through 21 of this act take effect August 1, 1999.

NEW SECTION. Sec. 23. Section 2 of this act takes effect July 1, 2001.

Passed the House April 19, 1999.

Passed the Senate April 12, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 359

[House Bill 1378]

MANUFACTURED/MOBILE HOME LANDLORD-TENANT ACT

AN ACT Relating to manufactured and mobile home landlord-tenant relations; amending RCW 59.20.010, 59.20.030, 59.20.040, 59.20.050, 59.20.070, 59.20.073, 59.20.074, 59.20.075, 59.20.080, 59.20.130, 59.20.135, 59.20.145, 59.20.150, 59.20.170, 59.20.210, and 59.20.220; reenacting and amending RCW 59.20.060; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 59.20.010 and 1977 ex.s. c 279 s 1 are each amended to read as follows:

This chapter shall be known and may be cited as the "Manufactured/Mobile Home Landlord-Tenant Act".

Sec. 2. RCW 59.20.030 and 1998 c 118 s 1 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" as it relates to a mobile home, manufactured home, or park model owned by a tenant in a mobile home park, mobile home park cooperative, or mobile home park subdivision or tenancy in a mobile home lot means the tenant has defaulted in rent and by absence and by words or actions reasonably indicates the intention not to continue tenancy;

(2) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(3) "Manufactured home" means a single-family dwelling built according to the United States department of housing and urban development manufactured home construction and safety standards act, which is a national preemptive

building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

(4) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department of housing and urban development manufactured home construction and safety act;

(5) "Mobile home lot" means a portion of a mobile home park or manufactured housing community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home, manufactured home, or park model;

~~((4))~~ (6) "Mobile home park" or "manufactured housing community" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

~~((5))~~ (7) "Mobile home park cooperative" or "manufactured housing cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members;

~~((6))~~ (8) "Mobile home park subdivision" or "manufactured housing subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes, manufactured homes, or park models in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots;

~~((7))~~ (9) "Park model" means a recreational vehicle intended for permanent or semi-permanent installation and habitation;

(10) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot;

~~((8))~~ (11) "Tenant" means any person, except a transient, who rents a mobile home lot;

~~((9))~~ (12) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence;

~~((10))~~ (13) "Occupant" means any person, including a live-in care provider, other than a tenant, who occupies a mobile home, manufactured home, or park model and mobile home lot.

Sec. 3. RCW 59.20.040 and 1997 c 86 s 2 are each amended to read as follows:

This chapter shall regulate and determine legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot and including specified amenities within the mobile home park, mobile home park cooperative, or mobile home park subdivision, where the tenant has no ownership interest in the property or in the association which owns the property, whose uses are referred to as a part of the rent structure paid by the tenant. All such rental agreements shall be unenforceable to the extent of any conflict with any provision of this chapter. Chapter 59.12 RCW shall be applicable only in implementation of the provisions of this chapter and not as an alternative remedy to this chapter which shall be exclusive where applicable: PROVIDED, That the provision of RCW 59.12.090, 59.12.100, and 59.12.170 shall not apply to any rental agreement included under the provisions of this chapter. RCW 59.18.055 and 59.18.370 through 59.18.410 shall be applicable to any action of forcible entry or detainer or unlawful detainer arising from a tenancy under the provisions of this chapter, except when a mobile home, manufactured home, or park model or a tenancy in a mobile home lot is abandoned. Rentals of mobile homes, manufactured homes, or park models themselves are governed by the Residential Landlord-Tenant Act, chapter 59.18 RCW.

Sec. 4. RCW 59.20.050 and 1981 c 304 s 37 are each amended to read as follows:

(1) No landlord may offer a mobile home lot for rent to anyone without offering a written rental agreement for a term of one year or more. No landlord may offer to anyone any rental agreement for a term of one year or more for which the monthly rental is greater, or the terms of payment or other material conditions more burdensome to the tenant, than any month-to-month rental agreement also offered to such tenant or prospective tenant. Anyone who desires to occupy a mobile home lot for other than a term of one year or more may have the option to be on a month-to-month basis but must waive, in writing, the right to such one year or more term: PROVIDED, That annually, at any anniversary date of the tenancy the tenant may require that the landlord provide a written rental agreement for a term of one year. No landlord shall allow a mobile home, manufactured home, or park model to be moved into a mobile home park in this state until a written rental agreement has been signed by and is in the possession of the parties: PROVIDED, That if the landlord allows the tenant to move a mobile home, manufactured home, or park model into a mobile home park without obtaining a written rental agreement for a term of one year or more, or a written waiver of the right to a one-

year term or more, the term of the tenancy shall be deemed to be for one year from the date of occupancy of the mobile home lot;

(2) The requirements of subsection (1) of this section shall not apply if:

(a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or

(b) An employer-employee relationship exists between a landlord and tenant;

(3) The provisions of this section shall apply to any tenancy upon expiration of the term of any oral or written rental agreement governing such tenancy.

Sec. 5. RCW 59.20.060 and 1990 c 174 s 1 and 1990 c 169 s 1 are each reenacted and amended to read as follows:

(1) Any mobile home space tenancy regardless of the term, shall be based upon a written rental agreement, signed by the parties, which shall contain:

(a) The terms for the payment of rent, including time and place, and any additional charges to be paid by the tenant. Additional charges that occur less frequently than monthly shall be itemized in a billing to the tenant;

(b) Reasonable rules for guest parking which shall be clearly stated;

(c) The rules and regulations of the park;

(d) The name and address of the person who is the landlord, and if such person does not reside in the state there shall also be designated by name and address a person who resides in the county where the mobile home park is located who is authorized to act as agent for the purposes of service of notices and process. If no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered the agent;

(e) The name and address of any party who has a secured interest in the mobile home, manufactured home, or park model;

(f) A forwarding address of the tenant or the name and address of a person who would likely know the whereabouts of the tenant in the event of an emergency or an abandonment of the mobile home, manufactured home, or park model;

(g)(i) A covenant by the landlord that, except for acts or events beyond the control of the landlord, the mobile home park will not be converted to a land use that will prevent the space that is the subject of the lease from continuing to be used for its intended use for a period of three years after the beginning of the term of the rental agreement;

(ii) A rental agreement may, in the alternative, contain a statement that the park may be sold or otherwise transferred at any time with the result that subsequent owners may close the mobile home park, or that the landlord may close the park at any time after the required notice. The covenant or statement required by this subsection must appear in print that is larger than the other text of the lease and must be set off by means of a box, blank space, or comparable visual device;

The requirements of this subsection shall apply to tenancies initiated after April 28, 1989.

(h) The terms and conditions under which any deposit or portion thereof may be withheld by the landlord upon termination of the rental agreement if any

moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a rental agreement;

(i) A listing of the utilities, services, and facilities which will be available to the tenant during the tenancy and the nature of the fees, if any, to be charged;

(j) A description of the boundaries of a mobile home space sufficient to inform the tenant of the exact location of the tenant's space in relation to other tenants' spaces;

(k) A statement of the current zoning of the land on which the mobile home park is located; and

(l) A statement of the expiration date of any conditional use, temporary use, or other land use permit subject to a fixed expiration date that is necessary for the continued use of the land as a mobile home park.

(2) Any rental agreement executed between the landlord and tenant shall not contain any provision:

(a) Which allows the landlord to charge a fee for guest parking unless a violation of the rules for guest parking occurs: PROVIDED, That a fee may be charged for guest parking which covers an extended period of time as defined in the rental agreement;

(b) Which authorizes the towing or impounding of a vehicle except upon notice to the owner thereof or the tenant whose guest is the owner of the vehicle;

(c) Which allows the landlord to alter the due date for rent payment or increase the rent: (i) During the term of the rental agreement if the term is less than one year, or (ii) more frequently than annually if the term is for one year or more: PROVIDED, That a rental agreement may include an escalation clause for a pro rata share of any increase in the mobile home park's real property taxes or utility assessments or charges, over the base taxes or utility assessments or charges of the year in which the rental agreement took effect, if the clause also provides for a pro rata reduction in rent or other charges in the event of a reduction in real property taxes or utility assessments or charges, below the base year: PROVIDED FURTHER, That a rental agreement for a term exceeding one year may provide for annual increases in rent in specified amounts or by a formula specified in such agreement;

(d) By which the tenant agrees to waive or forego rights or remedies under this chapter;

(e) Allowing the landlord to charge an "entrance fee" or an "exit fee";

(f) Which allows the landlord to charge a fee for guests: PROVIDED, That a landlord may establish rules charging for guests who remain on the premises for more than fifteen days in any sixty-day period;

(g) By which the tenant agrees to waive or forego homestead rights provided by chapter 6.13 RCW. This subsection shall not prohibit such waiver after a default in rent so long as such waiver is in writing signed by the husband and wife or by an unmarried claimant and in consideration of the landlord's agreement not

to terminate the tenancy for a period of time specified in the waiver if the landlord would be otherwise entitled to terminate the tenancy under this chapter; or

(h) By which, at the time the rental agreement is entered into, the landlord and tenant agree to the selection of a particular arbitrator.

Sec. 6. RCW 59.20.070 and 1993 c 66 s 16 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home, manufactured home, or park model within a park or require the removal of the mobile home, manufactured home, or park model from the park because of the sale thereof. Requirements for the transfer of the rental agreement are in RCW 59.20.073;

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home space: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement. Door-to-door solicitation does not include public officials or candidates for public office meeting or distributing information to tenants in accordance with subsection (4) of this section;

(3) Prohibit meetings by tenants of the mobile home park to discuss mobile home living and affairs, including political caucuses or forums for or speeches of public officials or candidates for public office, or meetings of organizations that represent the interest of tenants in the park, held in any of the park community or recreation halls if these halls are open for the use of the tenants, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Prohibit a public official or candidate for public office from meeting with or distributing information to tenants in their individual mobile homes, manufactured homes, or park models, nor penalize any tenant for participating in these meetings or receiving this information;

(5) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(c) Filing suit against the landlord for any reason;

(d) Participation or membership in any homeowners association or group;

(6) Charge to any tenant a utility fee in excess of actual utility costs or intentionally cause termination or interruption of any tenant's utility services,

including water, heat, electricity, or gas, except when an interruption of a reasonable duration is required to make necessary repairs;

(7) Remove or exclude a tenant from the premises unless this chapter is complied with or the exclusion or removal is under an appropriate court order; or

(8) Prevent the entry or require the removal of a mobile home, manufactured home, or park model for the sole reason that the mobile home has reached a certain age. Nothing in this subsection shall limit a landlords' right to exclude or expel a mobile home, manufactured home, or park model for any other reason, including but not limited to, fire and safety concerns provided such action conforms to chapter 59.20 RCW or any other statutory provision.

Sec. 7. RCW 59.20.073 and 1993 c 66 s 17 are each amended to read as follows:

(1) Any rental agreement shall be assignable by the tenant to any person to whom he or she sells or transfers title to the mobile home, manufactured home, or park model.

(2) A tenant who sells a mobile home, manufactured home, or park model within a park shall notify the landlord in writing of the date of the intended sale and transfer of the rental agreement at least fifteen days in advance of such intended transfer and shall notify the buyer in writing of the provisions of this section. The tenant shall verify in writing to the landlord payment of all taxes, rent, and reasonable expenses due on the mobile home, manufactured home, or park model and mobile home lot.

(3) The landlord shall notify the selling tenant, in writing, of a refusal to permit transfer of the rental agreement at least seven days in advance of such intended transfer.

(4) The landlord may require the mobile home, manufactured home, or park model to meet applicable fire and safety standards.

(5) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant, and any disapproval shall be in writing. Consent to an assignment shall not be unreasonably withheld.

~~((5))~~ (6) Failure to notify the landlord in writing, as required under subsection (2) of this section; or failure of the new tenant to make a good faith attempt to arrange an interview with the landlord to discuss assignment of the rental agreement; or failure of the current or new tenant to obtain written approval of the landlord for assignment of the rental agreement, shall be grounds for disapproval of such transfer.

Sec. 8. RCW 59.20.074 and 1990 c 169 s 2 are each amended to read as follows:

(1) A secured party who has a security interest in a mobile home, manufactured home, or park model that is located within a mobile home park and who has a right to possession of the mobile home, manufactured home, or park model under RCW 62A.9-503, shall be liable to the landlord from the date the

secured party receives written notice by certified mail, return receipt requested, for rent for occupancy of the mobile home space under the same terms the tenant was paying prior to repossession, and any other reasonable expenses incurred after the receipt of the notice, until disposition of the mobile home, manufactured home, or park model under RCW 62A.9-504. The notice of default by a tenant must state the amount of rent and the amount and nature of any reasonable expenses that the secured party is liable for payment to the landlord. The notice must also state that the secured party will be provided a copy of the rental agreement previously signed by the tenant and the landlord upon request.

(2) This section shall not affect the availability of a landlord's lien as provided in chapter 60.72 RCW.

(3) As used in this section, "security interest" shall have the same meaning as this term is defined in RCW 62A.1-201, and "secured party" shall have the same meaning as this term is defined in RCW 62A.9-105.

(4) For purposes of this section, "reasonable expenses" means any routine maintenance and utility charges for which the tenant is liable under the rental agreement.

(5) Any rent or other reasonable expenses owed by the secured party to the landlord pursuant to this section shall be paid to the landlord prior to the removal of the mobile home, manufactured home, or park model from the mobile home park.

(6) If a secured party who has a secured interest in a mobile home, manufactured home, or park model that is located in a mobile home park becomes liable to the landlord pursuant to this section, then the relationship between the secured party and the landlord shall be governed by the rental agreement previously signed by the tenant and the landlord unless otherwise agreed, except that the term of the rental agreement shall convert to a month-to-month tenancy. No waiver is required to convert the rental agreement to a month-to-month tenancy. Either the landlord or the secured party may terminate the month-to-month tenancy upon giving written notice of thirty days or more. The secured party and the landlord are not required to execute a new rental agreement. Nothing in this section shall be construed to be a waiver of any rights by the tenant.

Sec. 9. RCW 59.20.075 and 1984 c 58 s 3 are each amended to read as follows:

Initiation by the landlord of any action listed in RCW 59.20.070(~~((4))~~) **(5)** within one hundred twenty days after a good faith and lawful act by the tenant or within one hundred twenty days after any inspection or proceeding of a governmental agency resulting from such act, shall create a rebuttable presumption affecting the burden of proof, that the action is a reprisal or retaliatory action against the tenant: **PROVIDED**, That if the court finds that the tenant made a complaint or report to a governmental authority within one hundred twenty days after notice of a proposed increase in rent or other action in good faith by the landlord, there is a rebuttable presumption that the complaint or report was not

made in good faith: PROVIDED FURTHER, That no presumption against the landlord shall arise under this section, with respect to an increase in rent, if the landlord, in a notice to the tenant of increase in rent, specifies reasonable grounds for said increase, which grounds may include a substantial increase in market value due to remedial action under this chapter.

Sec. 10. RCW 59.20.080 and 1998 c 118 s 2 are each amended to read as follows:

(1) A landlord shall not terminate or fail to renew a tenancy of a tenant or the occupancy of an occupant, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes, manufactured homes, or park models or mobile home, manufactured homes, or park model living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes, manufactured homes, or park models or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the effective date of such change, except that for the period of six months following April 28, 1989, the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change;

(f) Engaging in "criminal activity." "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the

tenants. A park owner seeking to evict a tenant or occupant under this subsection need not produce evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense. Notice from a law enforcement agency of criminal activity constitutes sufficient grounds, but not the only grounds, for an eviction under this subsection. Notification of the seizure of illegal drugs under RCW 59.20.155 is evidence of criminal activity and is grounds for an eviction under this subsection. The requirement that any tenant or occupant register as a sex offender under RCW 9A.44.130 is grounds for eviction under this subsection. If criminal activity is alleged to be a basis of termination, the park owner may proceed directly to an unlawful detainer action;

(g) The tenant's application for tenancy contained a material misstatement that induced the park owner to approve the tenant as a resident of the park, and the park owner discovers and acts upon the misstatement within one year of the time the resident began paying rent;

(h) If the landlord serves a tenant three fifteen-day notices within a twelve-month period to comply or vacate for failure to comply with the material terms of the rental agreement or park rules. The applicable twelve-month period shall commence on the date of the first violation;

(i) Failure of the tenant to comply with obligations imposed upon tenants by applicable provisions of municipal, county, and state codes, statutes, ordinances, and regulations, including chapter 59.20 RCW. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(j) The tenant engages in disorderly or substantially annoying conduct upon the park premises that results in the destruction of the rights of others to the peaceful enjoyment and use of the premises. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(k) The tenant creates a nuisance that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to cease the conduct that constitutes a nuisance immediately. The notice must state that failure to cease the conduct will result in termination of the tenancy and that the tenant shall vacate the premises in five days;

(l) Any other substantial just cause that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days; or

(m) Failure to pay rent by the due date provided for in the rental agreement three or more times in a twelve-month period, commencing with the date of the first violation, after service of a five-day notice to comply or vacate.

(2) Within five days of a notice of eviction as required by subsection (1)(a) of this section, the landlord and tenant shall submit any dispute to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section. It is a defense to an eviction under subsection (1)(a) of this section that a landlord did not participate in the mediation process in good faith.

(3) Chapters 59.12 and 59.18 RCW govern the eviction of recreational vehicles from mobile home parks.

Sec. 11. RCW 59.20.130 and 1993 c 66 s 20 are each amended to read as follows:

It shall be the duty of the landlord to:

(1) Comply with codes, statutes, ordinances, and administrative rules applicable to the mobile home park;

(2) Maintain the common premises and prevent the accumulation of stagnant water and to prevent the detrimental effects of moving water when such condition is not the fault of the tenant;

(3) Keep any shared or common premises reasonably clean, sanitary, and safe from defects to reduce the hazards of fire or accident;

(4) Keep all common premises of the mobile home park, and vacant mobile home lots, not in the possession of tenants, free of weeds or plant growth noxious and detrimental to the health of the tenants and free from potentially injurious or unsightly objects and condition;

(5) Exterminate or make a reasonable effort to exterminate rodents, vermin, or other pests dangerous to the health and safety of the tenant whenever infestation exists on the common premises or whenever infestation occurs in the interior of a mobile home, manufactured home, or park model as a result of infestation existing on the common premises;

(6) Maintain and protect all utilities provided to the mobile home, manufactured home, or park model in good working condition. Maintenance responsibility shall be determined at that point where the normal mobile home, manufactured home, or park model utilities "hook-ups" connect to those provided by the landlord or utility company;

(7) Respect the privacy of the tenants and shall have no right of entry to a mobile home, manufactured home, or park model without the prior written consent of the occupant, except in case of emergency or when the occupant has abandoned the mobile home, manufactured home, or park model. Such consent may be revoked in writing by the occupant at any time. The ownership or management shall have a right of entry upon the land upon which a mobile home, manufactured home, or park model is situated for maintenance of utilities, to insure compliance with applicable codes, statutes, ordinances, administrative rules, and the rental

agreement and the rules of the park, and protection of the mobile home park at any reasonable time or in an emergency, but not in a manner or at a time which would interfere with the occupant's quiet enjoyment. The ownership or management shall make a reasonable effort to notify the tenant of their intention of entry upon the land which a mobile home, manufactured home, or park model is located prior to entry;

(8) Allow tenants freedom of choice in the purchase of goods and services, and not unreasonably restrict access to the mobile home park for such purposes;

(9) Maintain roads within the mobile home park in good condition; and

(10) Notify each tenant within five days after a petition has been filed by the landlord for a change in the zoning of the land where the mobile home park is located and make a description of the change available to the tenant.

A landlord shall not have a duty to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, if the defective condition complained of was caused by the conduct of the tenant, the tenant's family, invitee, or other person acting under the tenant's control, or if a tenant unreasonably fails to allow the landlord access to the property for purposes of repair.

Sec. 12. RCW 59.20.135 and 1994 c 30 s 1 are each amended to read as follows:

(1) The legislature finds that some mobile home park owners transfer the responsibility for the upkeep of permanent structures within the mobile home park to the park tenants. This transfer sometimes occurs after the permanent structures have been allowed to deteriorate. Many mobile home parks consist entirely of senior citizens who do not have the financial resources or physical capability to make the necessary repairs to these structures once they have fallen into disrepair. The inability of the tenants to maintain permanent structures can lead to significant safety hazards to the tenants as well as to visitors to the mobile home park. The legislature therefore finds and declares that it is in the public interest and necessary for the public health and safety to prohibit mobile home park owners from transferring the duty to maintain permanent structures in mobile home parks to the tenants.

(2) A mobile home park owner is prohibited from transferring responsibility for the maintenance or care of permanent structures within the mobile home park to the tenants of the park. A provision within a rental agreement or other document transferring responsibility for the maintenance or care of permanent structures within the mobile home park to the park tenants is void.

(3) A "permanent structure" for purposes of this section includes the clubhouse, carports, storage sheds, or other permanent structure. A permanent structure does not include structures built or affixed by a tenant. A permanent structure includes only those structures that were provided as amenities to the park tenants.

(4) Nothing in this section shall be construed to prohibit a park owner from requiring a tenant to maintain his or her mobile home, manufactured home, or park model or yard. Nothing in this section shall be construed to prohibit a park owner from transferring responsibility for the maintenance or care of permanent structures within the mobile home park to an organization of park tenants or to an individual park tenant when requested by the tenant organization or individual tenant.

Sec. 13. RCW 59.20.145 and 1993 c 152 s 1 are each amended to read as follows:

A tenant in a mobile home park may share his or her mobile home, manufactured home, or park model with any person over eighteen years of age, if that person is providing live-in home health care or live-in hospice care to the tenant under an approved plan of treatment ordered by the tenant's physician. The live-in care provider is not considered a tenant of the park and shall have no rights of tenancy in the park. Any agreement between the tenant and the live-in care provider does not change the terms and conditions of the rental agreement between the landlord and the tenant. The live-in care provider shall comply with the rules of the mobile home park, the rental agreement, and this chapter. The landlord may not charge a guest fee for the live-in care provider.

Sec. 14. RCW 59.20.150 and 1979 ex.s. c 186 s 10 are each amended to read as follows:

(1) Any notice required by this chapter to be given to a tenant shall be served on behalf of the landlord: (a) By delivering a copy personally to the tenant; or (b) ~~((if the tenant is absent from the mobile home, by leaving a copy at the mobile home with some person of suitable age and discretion and by sending a copy through the mail addressed to the tenant's place of residence; or (c)))~~ if the tenant is absent from the mobile home ~~((and a person of suitable age and discretion cannot be found to leave a copy with, then)),~~ manufactured home, or park model by affixing a copy of the notice in a conspicuous place on the mobile home, manufactured home, or park model and also sending a copy through the mail addressed to the tenant at the tenant's last known address.

(2) Any notice required by this chapter to be given to the landlord shall be served by the tenant in the same manner as provided for in subsection (1) of this section, or by mail to the landlord at such place as shall be expressly provided in the rental agreement.

(3) The landlord shall state in any notice of eviction required by RCW 59.20.080(1) as now or hereafter amended the specific reason for eviction in a clear and concise manner.

Sec. 15. RCW 59.20.170 and 1979 ex.s. c 186 s 12 are each amended to read as follows:

(1) All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall promptly be deposited by the landlord in a trust account, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord, in a bank,

savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. Except as provided in subsection (2) of this section, unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled.

(2) All moneys paid, in excess of two months' rent on the mobile home lot, to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a rental agreement shall be deposited into an interest-bearing trust account for the particular tenant. The interest accruing on the deposit in the account, minus fees charged to administer the account, shall be paid to the tenant on an annual basis. All other provisions of subsection (1) of this section shall apply to deposits under this subsection.

Sec. 16. RCW 59.20.210 and 1984 c 58 s 8 are each amended to read as follows:

(1) If at any time during the tenancy, the landlord fails to carry out any of the duties imposed by RCW 59.20.130, and notice of the defect is given to the landlord pursuant to RCW 59.20.200, the tenant may submit to the landlord or the landlord's designated agent by certified mail or in person at least two bids to perform the repairs necessary to correct the defective condition from licensed or registered persons, or if no licensing or registration requirement applies to the type of work to be performed, from responsible persons capable of performing such repairs. Such bids may be submitted to the landlord at the same time as notice is given pursuant to RCW 59.20.200.

(2) If the landlord fails to commence repair of the defective condition within a reasonable time after receipt of notice from the tenant, the tenant may contract with the person submitting the lowest bid to make the repair, and upon the completion of the repair and an opportunity for inspection by the landlord or the landlord's designated agent, the tenant may deduct the cost of repair from the rent in an amount not to exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home space in any calendar year. When, however, the landlord is required to begin remedying the defective condition within thirty days under RCW 59.20.200, the tenant cannot contract for repairs for at least fifteen days following receipt of bids by the landlord. The total costs of repairs deducted by the tenant in any calendar year under this subsection shall not exceed the sum

expressed in dollars representing one month's rental of the tenant's mobile home space.

(3) Two or more tenants shall not collectively initiate remedies under this section. Remedial action under this section shall not be initiated for conditions in the design or construction existing in a mobile home park before June 7, 1984.

(4) The provisions of this section shall not:

(a) Create a relationship of employer and employee between landlord and tenant; or

(b) Create liability under the worker's compensation act; or

(c) Constitute the tenant as an agent of the landlord for the purposes of ~~((RCW 60.04.010 and 60.04.040))~~ mechanics' and materialmen's liens under chapter 60.04 RCW.

(5) Any repair work performed under this section shall comply with the requirements imposed by any applicable code, statute, ordinance, or rule. A landlord whose property is damaged because of repairs performed in a negligent manner may recover the actual damages in an action against the tenant.

(6) Nothing in this section shall prevent the tenant from agreeing with the landlord to undertake the repairs in return for cash payment or a reasonable reduction in rent, the agreement to be between the parties, and this agreement does not alter the landlord's obligations under this chapter.

Sec. 17. RCW 59.20.220 and 1984 c 58 s 9 are each amended to read as follows:

(1) If a court or an arbitrator determines that:

(a) A landlord has failed to carry out a duty or duties imposed by RCW 59.20.130; and

(b) A reasonable time has passed for the landlord to remedy the defective condition following notice to the landlord under RCW 59.20.200 or such other time as may be allotted by the court or arbitrator; the court or arbitrator may determine the diminution in rental value of the property due to the defective condition and shall render judgment against the landlord for the rent paid in excess of such diminished rental value from the time of notice of such defect to the time of decision and any costs of repair done pursuant to ~~((section 4 of this act))~~ RCW 59.20.210 for which no deduction has been previously made. Such decisions may be enforced as other judgments at law and shall be available to the tenant as a set-off against any existing or subsequent claims of the landlord.

The court or arbitrator may also authorize the tenant to contract to make further corrective repairs. The court or arbitrator shall specify a time period in which the landlord may make such repairs before the tenant may contract for such repairs. Such repairs shall not exceed the sum expressed in dollars representing one month's rental of the tenant's mobile home space in any one calendar year.

(2) The tenant shall not be obligated to pay rent in excess of the diminished rental value of the mobile home space until such defect or defects are corrected by the landlord or until the court or arbitrator determines otherwise.

NEW SECTION. Sec. 18. A new section is added to chapter 35.21 RCW to read as follows:

(1) A city or town shall transmit a copy of any permit issued to a tenant or the tenant's agent for a mobile home, manufactured home, or park model installation in a mobile home park to the landlord.

(2) A city or town shall transmit a copy of any permit issued to a person engaged in the business of moving or installing a mobile home, manufactured home, or park model in a mobile home park to the tenant and the landlord.

(3) As used in this section:

(a) "Landlord" has the same meaning as in RCW 59.20.030;

(b) "Mobile home park" has the same meaning as in RCW 59.20.030;

(c) "Mobile or manufactured home installation" has the same meaning as in RCW 43.63B.010; and

(d) "Tenant" has the same meaning as in RCW 59.20.030.

NEW SECTION. Sec. 19. A new section is added to chapter 35A.21 RCW to read as follows:

(1) A code city shall transmit a copy of any permit issued to a tenant or the tenant's agent for a mobile home, manufactured home, or park model installation in a mobile home park to the landlord.

(2) A code city shall transmit a copy of any permit issued to a person engaged in the business of moving or installing a mobile home, manufactured home, or park model in a mobile home park to the tenant and the landlord.

(3) As used in this section:

(a) "Landlord" has the same meaning as in RCW 59.20.030;

(b) "Mobile home park" has the same meaning as in RCW 59.20.030;

(c) "Mobile or manufactured home installation" has the same meaning as in RCW 43.63B.010; and

(d) "Tenant" has the same meaning as in RCW 59.20.030.

NEW SECTION. Sec. 20. A new section is added to chapter 36.01 RCW to read as follows:

(1) A county shall transmit a copy of any permit issued to a tenant or the tenant's agent for a mobile home, manufactured home, or park model installation in a mobile home park to the landlord.

(2) A county shall transmit a copy of any permit issued to a person engaged in the business of moving or installing a mobile home, manufactured home, or park model in a mobile home park to the tenant and the landlord.

(3) As used in this section:

(a) "Landlord" has the same meaning as in RCW 59.20.030;

(b) "Mobile home park" has the same meaning as in RCW 59.20.030;

(c) "Mobile or manufactured home installation" has the same meaning as in RCW 43.63B.010; and

(d) "Tenant" has the same meaning as in RCW 59.20.030.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the House February 24, 1999.

Passed the Senate April 25, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 360

[Substitute House Bill 1525]

GUARDIANSHIP PROCEEDINGS—MEDIATION

AN ACT Relating to authorizing mediation in guardianship proceedings; and amending RCW 11.88.090.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 11.88.090 and 1996 c 249 s 10 are each amended to read as follows:

(1) Nothing contained in RCW 11.88.080 through 11.88.120, 11.92.010 through 11.92.040, 11.92.060 through 11.92.120, 11.92.170, and 11.92.180 shall affect or impair the power of any court to appoint a guardian ad litem to defend the interests of any incapacitated person interested in any suit or matter pending therein, or to commence and prosecute any suit in his or her behalf.

(2) Prior to the appointment of a guardian or a limited guardian, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, upon the motion of the alleged incapacitated person or the guardian ad litem, or subsequent to such appointment, whenever it appears that the incapacitated person or incapacitated person's estate could benefit from mediation and such mediation would likely result in overall reduced costs to the estate, upon the motion of any interested person, the court may:

(a) Require any party or other person subject to the jurisdiction of the court to participate in mediation;

(b) Establish the terms of the mediation; and

(c) Allocate the cost of the mediation pursuant to RCW 11.96.140.

(3) Upon receipt of a petition for appointment of guardian or limited guardian, except as provided herein, the court shall appoint a guardian ad litem to represent the best interests of the alleged incapacitated person, who shall be a person found or known by the court to:

(a) Be free of influence from anyone interested in the result of the proceeding; and

(b) Have the requisite knowledge, training, or expertise to perform the duties required by this section.

The guardian ad litem shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, each party with a statement including: His or her training relating to the duties as a guardian ad litem; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; his or her hourly rate, if compensated; whether the guardian ad litem has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the guardian ad litem's statement, any party may set a hearing and file and serve a motion for an order to show cause why the guardian ad litem should not be removed for one of the following three reasons: (i) Lack of expertise necessary for the proceeding; (ii) an hourly rate higher than what is reasonable for the particular proceeding; or (iii) a conflict of interest. Notice of the hearing shall be provided to the guardian ad litem and all parties. If, after a hearing, the court enters an order replacing the guardian ad litem, findings shall be included, expressly stating the reasons for the removal. If the guardian ad litem is not removed, the court has the authority to assess to the moving party, attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

No guardian ad litem need be appointed when a parent is petitioning for a guardian or a limited guardian to be appointed for his or her minor child and the minority of the child, as defined by RCW 11.92.010, is the sole basis of the petition. The order appointing the guardian ad litem shall recite the duties set forth in subsection ~~((4))~~ (5) of this section. The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person.

~~((3))~~ (4)(a) The superior court of each county shall develop and maintain a registry of persons who are willing and qualified to serve as guardians ad litem in guardianship matters. The court shall choose as guardian ad litem a person whose name appears on the registry in a system of consistent rotation, except in extraordinary circumstances such as the need for particular expertise. The court shall develop procedures for periodic review of the persons on the registry and for probation, suspension, or removal of persons on the registry for failure to perform properly their duties as guardian ad litem. In the event the court does not select the person next on the list, it shall include in the order of appointment a written reason for its decision.

(b) To be eligible for the registry a person shall:

(i) Present a written statement outlining his or her background and qualifications. The background statement shall include, but is not limited to, the following information:

(A) Level of formal education;

(B) Training related to the guardian ad litem's duties;

- (C) Number of years' experience as a guardian ad litem;
- (D) Number of appointments as a guardian ad litem and the county or counties of appointment;
- (E) Criminal history, as defined in RCW 9.94A.030; and
- (F) Evidence of the person's knowledge, training, and experience in each of the following: Needs of impaired elderly people, physical disabilities, mental illness, developmental disabilities, and other areas relevant to the needs of incapacitated persons, legal procedure, and the requirements of chapters 11.88 and 11.92 RCW.

The written statement of qualifications shall include a statement of the number of times the guardian ad litem has been removed for failure to perform his or her duties as guardian ad litem; and

(i) Complete the model training program as described in (d) of this subsection.

(c) The background and qualification information shall be updated annually.

(d) The department of social and health services shall convene an advisory group to develop a model guardian ad litem training program and shall update the program biennially. The advisory group shall consist of representatives from consumer, advocacy, and professional groups knowledgeable in developmental disabilities, neurological impairment, physical disabilities, mental illness, aging, legal, court administration, the Washington state bar association, and other interested parties.

(e) The superior court shall require utilization of the model program developed by the advisory group as described in (d) of this subsection, to assure that candidates applying for registration as a qualified guardian ad litem shall have satisfactorily completed training to attain these essential minimum qualifications to act as guardian ad litem.

~~((4))~~ (5) The guardian ad litem appointed pursuant to this section shall have the following duties:

(a) To meet and consult with the alleged incapacitated person as soon as practicable following appointment and explain, in language which such person can reasonably be expected to understand, the substance of the petition, the nature of the resultant proceedings, the person's right to contest the petition, the identification of the proposed guardian or limited guardian, the right to a jury trial on the issue of his or her alleged incapacity, the right to independent legal counsel as provided by RCW 11.88.045, and the right to be present in court at the hearing on the petition;

(b) To obtain a written report according to RCW 11.88.045; and such other written or oral reports from other qualified professionals as are necessary to permit the guardian ad litem to complete the report required by this section;

(c) To meet with the person whose appointment is sought as guardian or limited guardian and ascertain:

(i) The proposed guardian's knowledge of the duties, requirements, and limitations of a guardian; and

(ii) The steps the proposed guardian intends to take or has taken to identify and meet the needs of the alleged incapacitated person;

(d) To consult as necessary to complete the investigation and report required by this section with those known relatives, friends, or other persons the guardian ad litem determines have had a significant, continuing interest in the welfare of the alleged incapacitated person;

(e) To investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, or durable powers of attorney; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship;

(f) To provide the court with a written report which shall include the following:

(i) A description of the nature, cause, and degree of incapacity, and the basis upon which this judgment was made;

(ii) A description of the needs of the incapacitated person for care and treatment, the probable residential requirements of the alleged incapacitated person and the basis upon which these findings were made;

(iii) An evaluation of the appropriateness of the guardian or limited guardian whose appointment is sought and a description of the steps the proposed guardian has taken or intends to take to identify and meet current and emerging needs of the incapacitated person;

(iv) A description of any alternative arrangements previously made by the alleged incapacitated person or which could be made, and whether and to what extent such alternatives should be used in lieu of a guardianship, and if the guardian ad litem is recommending discontinuation of any such arrangements, specific findings as to why such arrangements are contrary to the best interest of the alleged incapacitated person;

(v) A description of the abilities of the alleged incapacitated person and a recommendation as to whether a guardian or limited guardian should be appointed. If appointment of a limited guardian is recommended, the guardian ad litem shall recommend the specific areas of authority the limited guardian should have and the limitations and disabilities to be placed on the incapacitated person;

(vi) An evaluation of the person's mental ability to rationally exercise the right to vote and the basis upon which the evaluation is made;

(vii) Any expression of approval or disapproval made by the alleged incapacitated person concerning the proposed guardian or limited guardian or guardianship or limited guardianship;

(viii) Identification of persons with significant interest in the welfare of the alleged incapacitated person who should be advised of their right to request special notice of proceedings pursuant to RCW II.92.150; and

(ix) Unless independent counsel has appeared for the alleged incapacitated person, an explanation of how the alleged incapacitated person responded to the advice of the right to jury trial, to independent counsel and to be present at the hearing on the petition.

Within forty-five days after notice of commencement of the guardianship proceeding has been served upon the guardian ad litem, and at least fifteen days before the hearing on the petition, unless an extension or reduction of time has been granted by the court for good cause, the guardian ad litem shall file its report and send a copy to the alleged incapacitated person and his or her counsel, spouse, all children not residing with a notified person, those persons described in (f)(viii) of this subsection, and persons who have filed a request for special notice pursuant to RCW 11.92.150. If the guardian ad litem needs additional time to finalize his or her report, then the guardian ad litem shall petition the court for a postponement of the hearing or, with the consent of all other parties, an extension or reduction of time for filing the report. If the hearing does not occur within sixty days of filing the petition, then upon the two-month anniversary of filing the petition and on or before the same day of each following month until the hearing, the guardian ad litem shall file interim reports summarizing his or her activities on the proceeding during that time period as well as fees and costs incurred;

(g) To advise the court of the need for appointment of counsel for the alleged incapacitated person within five court days after the meeting described in (a) of this subsection unless (i) counsel has appeared, (ii) the alleged incapacitated person affirmatively communicated a wish not to be represented by counsel after being advised of the right to representation and of the conditions under which court-provided counsel may be available, or (iii) the alleged incapacitated person was unable to communicate at all on the subject, and the guardian ad litem is satisfied that the alleged incapacitated person does not affirmatively desire to be represented by counsel.

~~((5))~~ (6) If the petition is brought by an interested person or entity requesting the appointment of some other qualified person or entity and a prospective guardian or limited guardian cannot be found, the court shall order the guardian ad litem to investigate the availability of a possible guardian or limited guardian and to include the findings in a report to the court pursuant to subsection ~~((4))~~ (5)(f) of this section.

~~((6))~~ (7) The parties to the proceeding may file responses to the guardian ad litem report with the court and deliver such responses to the other parties and the guardian ad litem at any time up to the second day prior to the hearing. If a guardian ad litem fails to file his or her report in a timely manner, the hearing shall be continued to give the court and the parties at least fifteen days before the hearing to review the report. At any time during the proceeding upon motion of any party or on the court's own motion, the court may remove the guardian ad litem for failure to perform his or her duties as specified in this chapter, provided that the guardian ad litem shall have five days' notice of any motion to remove before the

court enters such order. In addition, the court in its discretion may reduce a guardian ad litem's fee for failure to carry out his or her duties.

~~((7))~~ (8) The court appointed guardian ad litem shall have the authority, in the event that the alleged incapacitated person is in need of emergency life-saving medical services, and is unable to consent to such medical services due to incapacity pending the hearing on the petition to give consent for such emergency life-saving medical services on behalf of the alleged incapacitated person.

~~((8))~~ (9) The court-appointed guardian ad litem shall have the authority to move for temporary relief under chapter 7.40 RCW to protect the alleged incapacitated person from abuse, neglect, abandonment, or exploitation, as those terms are defined in RCW 74.34.020, or to address any other emergency needs of the alleged incapacitated person. Any alternative arrangement executed before filing the petition for guardianship shall remain effective unless the court grants the relief requested under chapter 7.40 RCW, or unless, following notice and a hearing at which all parties directly affected by the arrangement are present, the court finds that the alternative arrangement should not remain effective.

~~((9))~~ (10) The guardian ad litem shall receive a fee determined by the court. The fee shall be charged to the alleged incapacitated person unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That if no guardian or limited guardian is appointed the court may charge such fee to the petitioner or the alleged incapacitated person, or divide the fee, as it deems just; and if the petition is found to be frivolous or not brought in good faith, the guardian ad litem fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

~~((10))~~ (11) Upon the presentation of the guardian ad litem report and the entry of an order either dismissing the petition for appointment of guardian or limited guardian or appointing a guardian or limited guardian, the guardian ad litem shall be dismissed and shall have no further duties or obligations unless otherwise ordered by the court. If the court orders the guardian ad litem to perform further duties or obligations, they shall not be performed at county expense.

~~((11))~~ (12) The guardian ad litem shall appear in person at all hearings on the petition unless all parties provide a written waiver of the requirement to appear.

~~((12))~~ (13) At any hearing the court may consider whether any person who makes decisions regarding the alleged incapacitated person or estate has breached a statutory or fiduciary duty.

Passed the House March 10, 1999.

Passed the Senate April 22, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 361

[Substitute House Bill 2005]

WHISTLEBLOWERS—INVESTIGATION

AN ACT Relating to whistleblowers; amending RCW 42.40.020, 42.40.040, and 43.09.410; and adding new sections to chapter 42.40 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 42.40.020 and 1995 c 403 s 509 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Auditor" means the office of the state auditor.

(2) "Employee" means any individual employed or holding office in any department or agency of state government.

(3) "Good faith" means a reasonable basis in fact for the communication. "Good faith" is lacking when the employee knows or reasonably ought to know that the report is malicious, false, or frivolous.

(4) "Gross waste of funds" means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

(5)(a) "Improper governmental action" means any action by an employee(~~(~~
~~— (i) Which is~~) undertaken in the performance of the employee's official duties(~~(, whether or not the action is within the scope of the employee's employment; and)~~);

~~((i))~~ (i) Which is ((in violation of any state law or rule, is an abuse of authority;)) gross waste of public funds or resources as defined in this section;

(ii) Which is in violation of federal or state law or rule, if the violation is not merely technical or of a minimum nature; or

(iii) Which is of substantial and specific danger to the public health or safety(~~(~~
~~or is a gross waste of public funds))~~).

(b) "Improper governmental action" does not include personnel actions, for which other remedies exist, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the state civil service law, alleged labor agreement violations, reprimands, claims of discriminatory treatment, or any action which may be taken under chapter 41.06 RCW, or other disciplinary action except as provided in RCW 42.40.030.

~~((4))~~ (6) "Substantial and specific danger" means a risk of serious injury, illness, peril, or loss, to which the exposure of the public is a gross deviation from the standard of care or competence which a reasonable person would observe in the same situation.

(7) "Use of official authority or influence" includes taking, directing others to take, recommending, processing, or approving any personnel action such as an

appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, performance evaluation, or any adverse action under chapter 41.06 RCW, or other disciplinary action.

~~((5))~~ (8) "Whistleblower" means an employee who in good faith reports alleged improper governmental action to the auditor, initiating an investigation under RCW 42.40.040. For purposes of the provisions of this chapter and chapter 49.60 RCW relating to reprisals and retaliatory action, the term "whistleblower" also means: (a) An employee who in good faith provides information to the auditor in connection with an investigation under RCW 42.40.040 and an employee who is believed to have reported ~~((alleged))~~ asserted improper governmental action to the auditor or to have provided information to the auditor in connection with an investigation under RCW 42.40.040 but who, in fact, has not reported such action or provided such information; or (b) an employee who in good faith identifies rules warranting review or provides information to the rules review committee, and an employee who is believed to have identified rules warranting review or provided information to the rules review committee but who, in fact, has not done so.

NEW SECTION. Sec. 2. An employee must make a reasonable attempt to ascertain the correctness of the information furnished and may be subject to disciplinary actions, including, but not limited to, suspension or termination, for knowingly furnishing false information as determined by the employee's appointing authority.

Sec. 3. RCW 42.40.040 and 1992 c 118 s 2 are each amended to read as follows:

(1)(a) In order to be investigated, an assertion of improper governmental action must be provided to the auditor within one year after the occurrence of the asserted improper governmental action.

(b) The auditor has the authority to determine whether to investigate any assertions received. In determining whether to conduct either a preliminary or further investigation, the auditor shall consider factors including, but not limited to: The nature and quality of evidence and the existence of relevant laws and rules; whether the action was isolated or systematic; the history of previous assertions regarding the same subject or subjects or subject matter; whether other avenues are available for addressing the matter; whether the matter has already been investigated or is in litigation; the seriousness or significance of the asserted improper governmental action; and the cost and benefit of the investigation. The auditor has the sole discretion to determine the priority and weight given to these and other relevant factors and to decide whether a matter is to be investigated. The auditor shall document the factors considered and the analysis applied.

(c) The auditor also has the authority to investigate assertions of improper governmental actions as part of an audit conducted under chapter 43.09 RCW. The auditor shall document the reasons for handling the matter as part of such an audit.

(2) Subject to subsection (5)(c) of this section, the identity of a whistleblower is confidential at all times unless the whistleblower consents to disclosure by

written waiver or by acknowledging his or her identity in a claim against the state for retaliation.

(3) Upon receiving specific information that an employee has engaged in improper governmental action, the auditor shall, within five working days of receipt of the information, mail written acknowledgement to the whistleblower at the address provided stating whether a preliminary investigation will be conducted. For a period not to exceed thirty working days from receipt of the assertion, the auditor shall conduct such preliminary investigation of the matter as the auditor deems appropriate. ~~((In conducting the investigation, the identity of the whistleblower shall be kept confidential.~~

~~—(2))~~ (4) In addition to the authority under subsection ~~((4))~~ (3) of this section, the auditor may, on its own initiative, investigate incidents of improper state governmental action.

~~((3))~~ (5)(a) If it appears to the auditor, upon completion of the preliminary investigation, that the matter is so unsubstantiated that no further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower.

(b) The written notification shall ~~((be by memorandum containing))~~ contain a summary of the information received~~((, a summary))~~ and of the results of the preliminary investigation with regard to each ~~((allegation))~~ assertion of improper governmental action~~((, and any determination made by the auditor under (c) of this subsection)).~~

(c) In any case to which this section applies, the identity of the whistleblower shall be kept confidential unless the auditor determines that the information has been provided other than in good faith.

(d) ~~((If it appears to the auditor that the matter does not meet the definition of an "improper governmental action" under RCW 42.40.020(3), or is other than a gross waste of public funds, the auditor may forward a summary of the allegations to the appropriate agency for investigation and require a response by memorandum no later than thirty days after the allegations are received from the auditor. The response shall contain a summary of the investigation with regard to each allegation and any determination of corrective action taken. The auditor will keep the identity of the whistleblower confidential. Upon receipt of the results of the investigation from the appropriate agency, the auditor will notify the whistleblower as prescribed under (a), (b), and (c) of this subsection))~~ With the agency's consent, the auditor may forward the assertions to an appropriate agency to investigate and report back to the auditor no later than sixty working days after the assertions are received from the auditor. The auditor is entitled to all investigative records resulting from such a referral. All procedural and confidentiality provisions of this chapter apply to investigations conducted under this subsection. The auditor shall document the reasons the assertions were referred.

~~((4))~~ (6) During the preliminary investigation, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the

investigation and the agency head. The notification shall include the relevant facts and laws known at the time and the procedure for the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation. This notification does not limit the auditor from considering additional facts or laws which become known during further investigation.

(7)(a) If it appears to the auditor after completion of the preliminary investigation that further investigation, prosecution, or administrative action is warranted, the auditor shall so notify the whistleblower, the subject or subjects of the investigation, and the agency head and either conduct a further investigation((s)) or issue a report under subsection ((6)) (10) of this section.

(b) If the preliminary investigation resulted from an anonymous assertion, a decision to conduct further investigation shall be subject to review by a three-person panel convened as necessary by the auditor prior to the commencement of any additional investigation. The panel shall include a state auditor representative knowledgeable of the subject agency operations, a citizen volunteer, and a representative of the attorney general's office. This group shall be briefed on the preliminary investigation and shall recommend whether the auditor should proceed with further investigation.

(c) If further investigation is to occur, the auditor shall provide written notification of the nature of the assertions to the subject or subjects of the investigation and the agency head. The notification shall include the relevant facts known at the time and the procedure to be used by the subject or subjects of the investigation and the agency head to respond to the assertions and information obtained during the investigation.

(8) Within sixty working days after the ((thirty-day)) preliminary investigation period in subsection ((4)) (3) of this section, the auditor shall complete the investigation and report its findings to the whistleblower unless written justification for the delay is furnished to the whistleblower, agency head, and subject or subjects of the investigation. In all such cases, the report of the auditor's investigation and findings shall be sent to the whistleblower within one year after the information was filed under subsection ((4)) (3) of this section.

((5)) (9)(a) At any stage of an investigation under this section the auditor may require by subpoena the attendance and testimony of witnesses and the production of documentary or other evidence relating to the investigation at any designated place in the state. The auditor may issue subpoenas, administer oaths, examine witnesses, and receive evidence. In the case of contumacy or failure to obey a subpoena, the superior court for the county in which the person to whom the subpoena is addressed resides or is served may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The auditor may order the taking of depositions at any stage of a proceeding or investigation under this chapter. Depositions shall be taken before an individual designated by the auditor and having the power to administer oaths. Testimony shall be reduced to writing by or under the direction of the individual taking the deposition and shall be subscribed by the deponent.

~~((6))~~ (c) Agencies shall cooperate fully in the investigation and shall take appropriate action to preclude the destruction of any evidence during the course of the investigation.

(d) During the investigation the auditor shall interview each subject of the investigation. If it is determined there is reasonable cause to believe improper governmental action has occurred, the subject or subjects and the agency head shall be given fifteen working days to respond to the assertions prior to the issuance of the final report.

(10)(a) If the auditor determines ~~((that))~~ there is reasonable cause to believe ~~((that))~~ an employee has engaged in ~~((any))~~ improper ~~((activity))~~ governmental action, the auditor shall report the nature and details of the activity to:

(i) The ~~((employee))~~ subject or subjects of the investigation and the head of the employing agency; and

(ii) If appropriate, the attorney general or such other authority as the auditor determines appropriate.

(b) The auditor has no enforcement power except that in any case in which the auditor submits ~~((a))~~ an investigative report ~~((of alleged improper activity))~~ containing reasonable cause determinations to the ~~((head of an))~~ agency, the ~~((attorney general, or any other individual to which a report has been made under this section, the individual shall report to the auditor with respect to any action taken by the individual regarding the activity, the first report being transmitted no later than thirty days after the date of the auditor's report and monthly thereafter until final action is taken))~~ agency shall send its plan for resolution to the auditor within fifteen working days of having received the report. The agency is encouraged to consult with the subject or subjects of the investigation in establishing the resolution plan. The auditor may require periodic reports of agency action until all resolution has occurred. If the auditor determines that appropriate action ~~((is))~~ has not ~~((being))~~ been taken ~~((within a reasonable time))~~, the auditor shall report the determination to the governor and to the legislature and may include this determination in the agency audit under chapter 43.09 RCW.

~~((7))~~ (11) Once the auditor concludes that appropriate action has been taken to resolve the matter, the auditor shall so notify the whistleblower, the agency head, and the subject or subjects of the investigation. If the resolution takes more than one year, the auditor shall provide annual notification of its status to the whistleblower, agency head, and subject or subjects of the investigation.

(12) This section does not limit any authority conferred upon the attorney general or any other agency of government to investigate any matter.

NEW SECTION. Sec. 4. The auditor has the authority to contract for any assistance necessary to carry out the provisions of this chapter.

NEW SECTION. Sec. 5. The cost of administering this chapter is funded through the auditing services revolving account created in RCW 43.09.410.

NEW SECTION. Sec. 6. A whistleblower wishing to provide information under this chapter regarding asserted improper governmental action against the state auditor or an employee of that office shall provide the information to the attorney general who shall act in place of the auditor in investigating and reporting the matter.

NEW SECTION. Sec. 7. Chapter . . . , Laws of 1999 (this act) does not affect the jurisdiction of the legislative ethics board, the executive ethics board, or the commission on judicial conduct, as set forth in chapter 42.52 RCW. The senate, the house of representatives, and the supreme court shall adopt policies regarding the applicability of chapter 42.40 RCW to the senate, house of representatives, and judicial branch.

NEW SECTION. Sec. 8. The office of financial management shall contract for a performance audit of the state employee whistleblower program on a cycle to be determined by the office of financial management. The audit shall be done in accordance with generally accepted government auditing standards beginning with the fiscal year ending June 30, 2001. The audit shall determine at a minimum: Whether the program is acquiring, protecting, and using its resources such as personnel, property, and space economically and efficiently; the causes of inefficiencies or uneconomical practices; and whether the program has complied with laws and rules on matters of economy and efficiency. The audit shall also at a minimum determine the extent to which the desired results or benefits established by the legislature are being achieved, the effectiveness of the program, and whether the auditor has complied with significant laws and rules applicable to the program.

The cost of the audit is a cost of operating the program and shall be funded by the auditing services revolving account created by RCW 43.09.410.

Sec. 9. RCW 43.09.410 and 1995 c 301 s 25 are each amended to read as follows:

An auditing services revolving account is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the audits provided to state agencies by the state auditor and audits of the state employee whistleblower program under section 8 of this act.

NEW SECTION. Sec. 10. Sections 2 and 4 through 8 of this act are each added to chapter 42.40 RCW.

Passed the House April 24, 1999.

Passed the Senate April 23, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 362

[Substitute House Bill 1024]

PUBLIC EMPLOYEES' RETIREMENT SYSTEM—MEMBERS WITH THIRTY YEARS OF SERVICE AND LONG-TERM CARE

AN ACT Relating to certain retirement system members with more than thirty years of service; adding a new section to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 41.32 RCW under the subchapter heading "Plan 1" to read as follows:

A member may make the irrevocable election under this section no later than six months after attaining thirty years of service. The election shall become effective at the beginning of the calendar month following department receipt of employee notification.

(1) The sum of member contributions made for periods of service after the effective date of the election plus seven and one-half percent interest shall be paid to the member at retirement without a reduction in the member's monthly retirement benefit as determined under RCW 41.32.498.

(2) Upon retirement, the member's benefit shall be calculated using only the earnable compensation credited prior to the effective date of the member's election. Calculation of the member's average earnable compensation shall include eligible cash outs of annual leave based on the member's salary and leave accumulations at the time of retirement, except that the amount of a member's average earnable compensation cannot be higher than if the member had not taken advantage of the election offered under this section.

(3) Members who have already earned thirty years of service credit prior to the effective date of this act may participate in the election by notifying the department in writing of their intention by December 31, 1999.

The department shall continue to collect employer contributions as required in RCW 41.45.060.

NEW SECTION. Sec. 2. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan 1" to read as follows:

A member may make the irrevocable election under this section no later than six months after attaining thirty years of service. The election shall become effective at the beginning of the calendar month following department receipt of employee notification.

(1) The sum of member contributions made for periods of service after the effective date of the election plus seven and one-half percent interest shall be paid to the member at retirement without a reduction in the member's monthly retirement benefit as determined under RCW 41.40.185.

(2) Upon retirement, the member's benefit shall be calculated using only the compensation earnable credited prior to the effective date of the member's election.

Calculation of the member's average final compensation shall include eligible cash outs of sick and annual leave based on the member's salary and leave accumulations at the time of retirement, except that the amount of a member's average final compensation cannot be higher than if the member had not taken advantage of the election offered under this section.

(3) Members who have already earned thirty years of service credit prior to the effective date of this act may participate in the election by notifying the department in writing of their intention by December 31, 1999.

The department shall continue to collect employer contributions as required in RCW 41.45.060.

NEW SECTION. Sec. 3. A new section is added to chapter 41.40 RCW under the subchapter heading "Plan 1" to read as follows:

(1) A retiree who receives state-funded long-term care services on or after June 1, 1998, is not eligible for the increase provided by section 8, chapter 340, Laws of 1998, if the increase would make the retiree ineligible for state-funded long-term care services. For the purposes of this section "state-funded long-term care services" means a state-funded adult family home, adult residential care, assisted living, enhanced adult residential care, in-home care, or nursing home service, as defined in RCW 74.39A.009, for which the retiree is required to contribute all income other than a specified amount reserved for the retiree's personal maintenance needs. Retirees who are subject to this section shall notify the department in writing. The department has no affirmative duty to identify retirees who are subject to this subsection.

(2) This section applies to all payments under section 8, chapter 340, Laws of 1998, made on or after the effective date of this act, regardless of the date of retirement.

NEW SECTION. Sec. 4. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House April 21, 1999.

Passed the Senate April 6, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 363

[Second Substitute House Bill 1681]

PRIVATELY-GROWN TROUT—STATE PURCHASE

AN ACT Relating to state purchase of privately grown trout for planting in state waters; adding new sections to Title 77 RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that it is beneficial to improve opportunities for trout fishing in order to satisfy the public's demand for

recreational fishing during a time of declining opportunities to catch anadromous salmon and steelhead trout.

Fish farmers can produce trout in a triploid genetic configuration for the purpose of certifying that the fish are sterile and that they cannot interbreed with wild trout. These fish are ideally suited to planting into public lakes and ponds to provide immediate recreational fishing at a reasonable cost. The fish continue to grow throughout their life cycle and have the potential to grow to trophy size.

Planting of these catchable trout can provide increased angler participation, increased fishing license sales, increased tourism activities, and a boost to local economies.

The department of fish and wildlife is authorized to purchase these privately produced fish to supplement existing department trout hatchery production. The planting of these catchable trout in water bodies with water quality sufficient to support fish life must not have an adverse impact on the wild trout population.

NEW SECTION. Sec. 2. The fish and wildlife commission in consultation with the department is authorized to determine which waters of the state are appropriate for this use during the 1999 and 2000 calendar years. In making this determination, the commission shall seek geographic distribution to assure opportunity to fishers state-wide.

The commission in consultation with the department will determine the maximum number of fish that may be planted into state waters so as not to compete with the wild populations of fish species in the water body.

NEW SECTION. Sec. 3. The fish and wildlife commission may authorize purchase of privately produced fish for the purposes of sections 1 and 2 of this act only if the cost of the program will be recovered by the estimated increase in revenue from license sales and federal funds directly attributable to the planting of these privately purchased fish.

NEW SECTION. Sec. 4. The department of fish and wildlife shall report to the appropriate legislative committees by February 1, 2001, regarding the implementation of this act. The report shall include information regarding the location and number of fish planted, the size of the fish planted, and information relating to the cost-effectiveness of the catchable trout program, including an estimate of new license revenues generated by the programs.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act are each added to Title 77 RCW.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House April 24, 1999.
Passed the Senate April 22, 1999.
Approved by the Governor May 17, 1999.
Filed in Office of Secretary of State May 17, 1999.

CHAPTER 364

[House Bill 1699]

DENTISTRY—CONTINUING EDUCATION

AN ACT Relating to continuing education for dentists; amending RCW 18.32.002, 18.32.0357, and 18.32.180; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 18.32.002 and 1994 sp.s. c 9 s 201 are each amended to read as follows:

The legislature finds that the health and well-being of the people of this state are of paramount importance.

The legislature further finds that the conduct of members of the dental profession licensed to practice dentistry in this state plays a vital role in preserving the health and well-being of the people of the state.

The legislature further finds that requiring continuing dental education for all licensed dentists in the state is an important component of providing high quality dentistry for the people of this state.

The legislature further finds that there is no effective means of handling disciplinary proceedings against members of the dental profession licensed in this state when such proceedings are necessary for the protection of the public health.

Therefore, the legislature declares its intention to exercise the police power of the state to protect the public health, to promote the welfare of the state, and to provide a commission to act as a disciplinary and regulatory body for the members of the dental profession licensed to practice dentistry in this state.

It is the purpose of the commission established in RCW 18.32.0351 to regulate the competency and quality of professional health care providers under its jurisdiction by establishing, monitoring, and enforcing qualifications for licensure, continuing education, consistent standards of practice, continuing competency mechanisms, and discipline. Rules, policies, and procedures developed by the commission must promote the delivery of quality health care to the residents of the state.

Sec. 2. RCW 18.32.0357 and 1994 sp.s. c 9 s 207 are each amended to read as follows:

The commission shall elect officers each year. Meetings of the commission are open to the public, except the commission may hold executive sessions to the extent permitted by chapter 42.30 RCW. The secretary of health shall furnish such secretarial, clerical, and other assistance as the commission may require.

A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business. The affirmative vote of a

majority of a quorum of the commission is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

The commission may appoint members of panels consisting of not less than three members. A quorum for transaction of any business shall be a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

The members of the commission are immune from suit in an action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the commission.

The commission may, whenever the workload of the commission requires, request that the secretary appoint pro tempore members. While serving as members pro tempore persons have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses, of the commission.

The commission shall prepare or determine the nature of the examinations for applicants to practice dentistry.

The commission shall establish continuing dental education requirements.

The attorney general shall advise the commission and represent it in all legal proceedings.

Sec. 3. RCW 18.32.180 and 1996 c 191 s 16 are each amended to read as follows:

Every person licensed to practice dentistry in this state shall renew his or her license and comply with administrative procedures, administrative requirements, continuing education requirements, and fees as provided in RCW 43.70.250 and 43.70.280. The commission, in its sole discretion, may permit the applicant to be licensed without examination, and with or without conditions, if it is satisfied that the applicant meets all the requirements for licensure in this state and is competent to engage in the practice of dentistry.

NEW SECTION. Sec. 4. The continuing education requirements of RCW 18.32.180 apply to licenses renewed after July 1, 2001.

Passed the House April 19, 1999.

Passed the Senate April 12, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 365

[House Bill 1827]

STATE AGENCY PRINTING

AN ACT Relating to public printing; and amending RCW 43.78.130 and 43.78.140.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 43.78.130 and 1965 c 8 s 43.78.130 are each amended to read as follows:

All printing, binding, and stationery work done for any state agency, county, city, town, port district, or school district in this state shall be done within the state, and all proposals, requests, or invitations to submit bids, prices, or contracts thereon, and all contracts for such work, shall so stipulate: PROVIDED, That whenever it is established that any such work cannot be executed within the state, or that the lowest charge for which it can be procured within the state, exceeds the charge usually and customarily made to private individuals and corporations for work of similar character and quality, or that all bids for the work or any part thereof are excessive and not reasonably competitive, the officers of any such public corporation may have the work done outside the state.

Sec. 2. RCW 43.78.140 and 1965 c 8 s 43.78.140 are each amended to read as follows:

No bill or claim for any such work shall be allowed by any officer of a state agency or public corporation or be paid out of its funds, unless it appears that the work was executed within the state or that the execution thereof within the state could not have been procured, or procured at reasonable and competitive rates, and no action shall be maintained against such corporation or its officers upon any contract for such work unless it is alleged and proved that the work was done within the state or that the bids received therefor were unreasonable or not truly competitive.

Passed the House March 15, 1999.

Passed the Senate April 9, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 366

[House Bill 1863]

PART-TIME HEALTH COMMISSIONS—MEMBERS' COMPENSATION

AN ACT Relating to compensation for members of part-time health commissions; amending RCW 18.25.0171, 18.32.0361, 18.71.015, and 18.79.090; and adding a new section to chapter 43.03 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 43.03 RCW to read as follows:

(1) Any part-time commission that has rule-making authority, performs quasi-judicial functions, has responsibility for the policy direction of a health profession credentialing program, and performs regulatory and licensing functions with respect to a health care profession licensed under Title 18 RCW shall be identified as a class five group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class five group is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of

the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is necessarily incurred in the course of authorized business consistent with the responsibilities of the commission established by law.

Sec. 2. RCW 18.25.0171 and 1994 sp.s. c 9 s 107 are each amended to read as follows:

The commission shall elect officers each year. Meetings of the commission are open to the public, except that the commission may hold executive sessions to the extent permitted by chapter 42.30 RCW. The secretary of health shall furnish such secretarial, clerical, and other assistance as the commission may require.

Each member of the commission shall be compensated in accordance with ~~((RCW 43.03.240))~~ section 1 of this act. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business. The affirmative vote of a majority of a quorum of the commission is required to carry a motion or resolution, to adopt a rule, or to pass a measure.

The commission may appoint members of panels of at least three members. A quorum for transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

The members of the commission are immune from suit in an action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the commission.

The commission may, whenever the workload of the commission requires, request that the secretary appoint pro tempore members. While serving as members pro tempore persons have all the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses, of the commission.

The commission shall prepare or determine the nature of the examinations for applicants to practice chiropractic.

The commission may adopt such rules as are consistent with this chapter as may be deemed necessary and proper to carry out the purposes of this chapter.

Sec. 3. RCW 18.32.0361 and 1994 sp.s. c 9 s 208 are each amended to read as follows:

Each member of the commission shall be compensated in accordance with ~~((RCW 43.03.240))~~ section 1 of this act. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW

43.03.050 and 43.03.060. Commission members shall be compensated and reimbursed for their activities in developing or administering a multistate licensing examination, as provided in this chapter.

Sec. 4. RCW 18.71.015 and 1994 sp.s. c 9 s 303 are each amended to read as follows:

The Washington state medical quality assurance commission is established, consisting of thirteen individuals licensed to practice medicine in the state of Washington under this chapter, two individuals who are licensed as physician assistants under chapter 18.71A RCW, and four individuals who are members of the public. Each congressional district now existing or hereafter created in the state must be represented by at least one physician member of the commission. The terms of office of members of the commission are not affected by changes in congressional district boundaries. Public members of the commission may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the commission, or have a material or financial interest in the rendering of health services regulated by the commission.

The members of the commission shall be appointed by the governor. Members of the initial commission may be appointed to staggered terms of one to four years, and thereafter all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the existing members of the board of medical examiners and medical disciplinary board repealed under section 336, chapter 9, Laws of 1994 sp. sess. be appointed to the commission. No member may serve more than two consecutive full terms. Each member shall hold office until a successor is appointed.

Each member of the commission must be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The commission shall meet as soon as practicable after appointment and elect officers each year. Meetings shall be held at least four times a year and at such place as the commission determines and at such other times and places as the commission deems necessary. A majority of the commission members appointed and serving constitutes a quorum for the transaction of commission business.

The affirmative vote of a majority of a quorum of the commission is required to carry any motion or resolution, to adopt any rule, or to pass any measure. The commission may appoint panels consisting of at least three members. A quorum for the transaction of any business by a panel is a minimum of three members. A majority vote of a quorum of the panel is required to transact business delegated to it by the commission.

Each member of the commission shall be compensated in accordance with ~~((RCW 43.03.240))~~ section 1 of this act and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the commission in accordance with RCW 43.03.050 and 43.03.060. Any such expenses shall be paid from funds appropriated to the department of health.

Whenever the governor is satisfied that a member of a commission has been guilty of neglect of duty, misconduct, or malfeasance or misfeasance in office, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary shall forthwith send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

Vacancies in the membership of the commission shall be filled for the unexpired term by appointment by the governor.

The members of the commission are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the commission.

Whenever the workload of the commission requires, the commission may request that the secretary appoint pro tempore members of the commission. When serving, pro tempore members of the commission have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the commission.

Sec. 5. RCW 18.79.090 and 1994 sp.s. c 9 s 409 are each amended to read as follows:

Each commission member shall be compensated in accordance with ~~((RCW 43.03.240))~~ section 1 of this act and shall be paid travel expenses when away from home in accordance with RCW 43.03.050 and 43.03.060.

Passed the House April 19, 1999.

Passed the Senate April 13, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 367

[Substitute House Bill 1951]

ABANDONED CEMETERIES—REMOVAL OF DEDICATION

AN ACT Relating to abandoned cemeteries; amending RCW 68.24.090 and 68.60.020; and adding a new section to chapter 65.04 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 65.04 RCW to read as follows:

Any person who has knowledge of the existence of any cemetery, abandoned cemetery, historical cemetery, or historic grave that has not been dedicated pursuant to RCW 68.24.010 through 68.24.040 may file for recording, in the

county in which the cemetery or grave is located, a notice of abandoned cemetery document providing notice of the existence of the cemetery or grave. Such document shall contain the legal description of the property, the approximate location of the cemetery or grave within the property, the name of the owner or reputed owner of the property, and the assessor's tax parcel or account number. The auditor or recording officer shall index the document to the names of the property owner and the person executing the document.

Sec. 2. RCW 68.24.090 and 1987 c 331 s 34 are each amended to read as follows:

Property dedicated to cemetery purposes shall be held and used exclusively for cemetery purposes, unless and until the dedication is removed from all or any part of it by an order and decree of the superior court of the county in which the property is situated, in a proceeding brought by the cemetery authority for that purpose and upon notice of hearing and proof satisfactory to the court:

(1) That no interments were made in or that all interments have been removed from that portion of the property from which dedication is sought to be removed.

(2) That the portion of the property from which dedication is sought to be removed is not being used for interment of human remains.

(3) That notice of the proposed removal of dedication has been given in writing to both the cemetery board ((in writing)) and the office of archaeology and historic preservation. This notice must be given at least sixty days before filing the proceedings in superior court. The notice of the proposed removal of dedication shall be recorded with the auditor or recording officer of the county where the cemetery is located at least sixty days before filing the proceedings in superior court.

Sec. 3. RCW 68.60.020 and 1990 c 92 s 2 are each amended to read as follows:

Any cemetery, ~~abandoned cemetery~~, historical cemetery, or historic grave that has not been dedicated pursuant to RCW 68.24.030 and 68.24.040 shall be considered permanently dedicated and subject to RCW 68.24.070. Removal of dedication may only be made pursuant to RCW 68.24.090 and 68.24.100.

Passed the House April 19, 1999.

Passed the Senate April 6, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 368

[Substitute House Bill 1250]

FINANCIAL INFORMATION PRIVACY—IDENTITY THEFT

AN ACT Relating to protecting the privacy of financial information; adding a new chapter to Title 9 RCW; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. INTENT. The legislature finds that financial information is personal and sensitive information that if unlawfully obtained by others may do significant harm to a person's privacy, financial security, and other interests. The legislature finds that unscrupulous persons find ever more clever ways, including identity theft, to improperly obtain and use financial information. The legislature intends to penalize unscrupulous people for improperly obtaining financial information.

NEW SECTION. Sec. 2. PROHIBITING ATTEMPTS TO IMPROPERLY OBTAIN FINANCIAL INFORMATION. (1) No person may obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, financial information from a financial information repository:

(a) By knowingly making a false, fictitious, or fraudulent statement or representation to an officer, employee, or agent of a financial information repository with the intent to deceive the officer, employee, or agent into relying on that statement or representation for purposes of releasing the financial information;

(b) By knowingly making a false, fictitious, or fraudulent statement or representation to a customer of a financial information repository with the intent to deceive the customer into releasing financial information or authorizing the release of such information;

(c) By knowingly providing any document to an officer, employee, or agent of a financial information repository, knowing that the document is forged, counterfeit, lost, or stolen; was fraudulently obtained; or contains a false, fictitious, or fraudulent statement or representation, if the document is provided with the intent to deceive the officer, employee, or agent to release the financial information.

(2) No person may request another person to obtain financial information from a financial information repository and knows or should have known that the person will obtain or attempt to obtain the information from the financial institution repository in any manner described in subsection (1) of this section.

(3) As used in this section, unless the context clearly requires otherwise:

(a) "Financial information" means, to the extent it is nonpublic, any of the following information identifiable to the individual that concerns the amount and conditions of an individual's assets, liabilities, or credit:

(i) Account numbers and balances;

(ii) Transactional information concerning any account; and

(iii) Codes, passwords, social security numbers, tax identification numbers, driver's license or permit numbers, state identicard numbers issued by the department of licensing, and other information held for the purpose of account access or transaction initiation.

(b) "Financial information repository" means any person engaged in the business of providing services to customers who have a credit, deposit, trust, stock, or other financial account or relationship with the person.

(c) "Person" means an individual, partnership, corporation, or association.

(4) No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, or any action of an agent of the financial information repository when working in conjunction with a law enforcement agency.

(5) This section does not apply to:

(a) Efforts by the financial information repository to test security procedures or systems of the financial institution repository for maintaining the confidentiality of customer information;

(b) Investigation of alleged employee misconduct or negligence; or

(c) Efforts to recover financial or personal information of the financial institution obtained or received by another person in any manner described in subsection (1) or (2) of this section.

(6) Violation of this section is a class C felony.

(7) A person that violates this section is liable for five hundred dollars or actual damages, whichever is greater, and reasonable attorneys' fees. If the person violating this section is a business that repeatedly violates this section, that person also violates the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 3. PROHIBITING IDENTITY THEFT. (1) No person may knowingly use or knowingly transfer a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity harming or intending to harm the person whose identity is used, or for committing any felony.

(2) For purposes of this section, "means of identification" means any information or item that is not describing finances or credit but is personal to or identifiable with any individual or other person, including any current or former name of the person, telephone number, and electronic address or identifier of the individual or any member of his or her family, including the ancestor of such person; any information relating to a change in name, address, telephone number, or electronic address or identifier of the individual or his or her family; any social security, driver's license, or tax identification number of the individual or any member of his or her family; and other information which could be used to identify the person, including unique biometric data.

(3) Violation of this section is a class C felony.

(4) A person that violates this section is liable for five hundred dollars or actual damages, including costs to repair the person's credit record, whichever is greater, and reasonable attorneys' fees. If the person violating this section is a business that repeatedly violates this section, that person also violates the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 4. EFFECTIVE DATE. This act takes effect January 1, 2000.

NEW SECTION. Sec. 5. CAPTIONS NOT LAW. Captions used in this chapter are not part of the law.

NEW SECTION. Sec. 6. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 9 RCW.

Passed the House March 4, 1999.

Passed the Senate April 23, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 369

[Engrossed House Bill 2015]

YEAR 2000 FAILURES—LIABILITY

AN ACT Relating to restricting liability for harm caused by incorrectly calculated or interpreted dates associated with year 2000 date-changes processed by electronic computing devices; adding a new section to chapter 4.22 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 48.18 RCW; adding a new section to chapter 51.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 84.56 RCW; providing expiration dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 4.22 RCW to read as follows:

(1) The definitions in this section apply throughout this section and sections 2 through 5 of this act.

(a) "Agency" means any state or local government board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch, including elective and legislative offices, institutions of higher education created and supported by state government, counties, cities, towns, special purpose districts, local service districts, municipal corporations, quasi-municipal corporations, and political subdivisions of such agencies and corporations, and any officer, employee, or agent of these entities acting within the scope of the officer, employee, or agent's employment or duties. "Agency" does not include municipal electric or gas utilities formed under Title 35 RCW or electric public utility districts formed under Title 54 RCW.

(b) "Electric cooperative utility" means any nonprofit, member-owned cooperative organized under chapter 23.86 RCW and engaged in the business of distributing electric energy in the state.

(c) "Electric mutual utility" means any nonprofit, member-owned corporation or association organized under chapter 24.06 RCW and engaged in the business of distributing electric energy in the state.

(d) "Electronic computing device" means any computer hardware or software, computer chip, embedded chip, process control equipment, or other information

system used to capture, store, manipulate, or process data, or that controls, monitors, or assists in the operation of physical apparatus that is not primarily used as a computer, but that relies on automation or digital technology to function, including but not limited to vehicles, vessels, buildings, structures, facilities, elevators, medical equipment, traffic signals, factory machinery, and the like.

(e) "Public service provider" means any municipal electric or gas utility formed under Title 35 RCW, electric public utility district formed under Title 54 RCW, electrical company, as defined in RCW 80.04.010, gas company, as defined in RCW 80.04.010, electric cooperative utility, and electric mutual utility.

(l) "Year 2000 failure" means with respect to an electronic computing device, a computing failure that prevents such electronic computing device from accurately interpreting, producing, computing, generating, accounting for, processing, calculating, comparing, or sequencing date or time data from, into, or between the years 1999 and 2000, or with regard to leap year calculations.

(2) In any action against an agency or public service provider, whether based in tort, contract, or otherwise, for damages caused in whole or in part by computational or interpretive errors generated by an electronic computing device in connection with a year 2000 failure:

(a) Any liability shall be several, not joint, and the liability shall be determined as a percentage of fault in a manner consistent with RCW 4.22.070; and

(b) Agencies as defined in this section shall have no liability for the first one hundred dollars of damages per claimant that would otherwise be owed by the agency.

(3) This section shall not apply to any action for damages arising from bodily personal injury, or to wrongful death and survival actions under chapter 4.20 RCW or RCW 4.24.010.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2009.

NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:

(1) A person has an affirmative defense to any claim or action, based on a contract, brought against the person if he or she establishes that:

(a) The default, failure to pay, breach, omission, or other violation that is the basis of the claim against him or her was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the contractual obligation that was the basis of the claim.

(2) If an affirmative defense as set forth in subsection (1) of this section is established, then the person or entity making the claim may not reassert the claim

against which the affirmative defense was asserted for a period of thirty days from the date on which the court dismissed the case as a result of the affirmative defense. Any statute of limitations applicable to the claim shall be tolled for forty-five days upon the dismissal of the case under this section.

(3) The dismissal of an action as the result of the affirmative defense under this section does not impair, extinguish, discharge, satisfy, or otherwise affect the underlying obligation that is the basis of the claim against which the affirmative defense was asserted. However, the ability of a party to bring the claim based upon the obligation is delayed as set forth in subsection (2) of this section.

(4) A person who has established an affirmative defense as set forth in subsection (1) of this section may dispute directly with a credit reporting agency operating in this state any item of information in the person's consumer file relating to the subject of the affirmative defense. The dispute shall be filed in accordance with RCW 19.182.090(6). If requested by the person under this subsection (4), the credit reporting agency shall furnish a statement, made in accordance with RCW 19.182.090(7), to the person and include the statement in the person's consumer file. The credit reporting agency may not charge the person a fee for the inclusion of this statement in the person's consumer file.

(5)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "person" means a natural person or a small business as defined in RCW 19.85.020.

(6) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(7) This section does not apply to or affect any contract that specifically provides for a year 2000 failure.

(8) This section does not apply to any claim or cause of action filed after December 31, 2003.

(9) This section expires December 31, 2006.

NEW SECTION. Sec. 3. A new section is added to chapter 48.18 RCW to read as follows:

(1) An insurer shall reinstate back to the effective date of cancellation, with no penalties or interest, any personal lines insurance policy, subject to this chapter, that was canceled for nonpayment of premium, if the named insured:

(a) Provides notice to the insurer, no later than ten days after the effective date of cancellation, that the failure to pay the premium due for the insurance policy is caused by a year 2000 failure associated with an electronic computing device that is not under the named insured's dominion or control;

(b) Establishes that a year 2000 failure occurred and that if it were not for the year 2000 failure, the named insured would have been able to pay the premium due in a timely manner;

(c) Makes a premium payment to bring the insurance policy current as soon as possible, but no later than ten days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2) If the named insured fails to pay the premium due within ten days after the year 2000 failure has been corrected or reasonably should have been corrected, the insurer's previous notice of cancellation for nonpayment of premium remains effective.

(3)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "named insurer" means a natural person or a small business as defined in RCW 19.85.020.

(4) This section does not effect the cancellation of any insurance policy that is unrelated to a year 2000 failure, or occurs before any disruption of financial or data transfer operations attributable to the year 2000 failure.

(5) This section does not apply to any claim or cause of action filed after December 31, 2003.

(6) This section expires December 31, 2006.

NEW SECTION. Sec. 4. A new section is added to chapter 51.04 RCW to read as follows:

(1) No interest or penalties shall be imposed on any employer because of the failure to pay any premium required by this title to be made to the state treasury for the accident fund, the medical aid fund, the supplemental pension fund, or any other fund created under this title if the employer establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the employer to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the employer would have been able to satisfy the payment of premiums in a timely manner.

Payment of such premiums shall be made within thirty days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "employer" means a natural person or a small business as defined in RCW 19.85.020.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2006.

NEW SECTION. Sec. 5. A new section is added to chapter 82.32 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, no interest or penalties may be imposed on any person because of the failure to pay excise taxes on or before the date due for payment if the person establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the payment of taxes in a timely manner.

Payment of such taxes shall be made within thirty days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "person" means a natural person or a small business as defined in RCW 19.85.020.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2006.

NEW SECTION. Sec. 6. A new section is added to chapter 84.56 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, no interest or penalties may be imposed on any person because of the failure to pay real or personal property taxes on or before the date due for payment if the person establishes that:

(a) The failure to pay was caused, in whole or in part, by a year 2000 failure associated with an electronic computing device;

(b) The year 2000 failure being asserted was not proximately caused by a failure of the person to update an electronic computing device, that is under his or her dominion or control, to be year 2000 compliant; and

(c) If it were not for the year 2000 failure, the person would have been able to satisfy the payment of taxes in a timely manner.

Payment of such taxes shall be made within thirty days after the year 2000 failure has been corrected or reasonably should have been corrected.

(2)(a) The definitions in section 1 of this act apply to this section unless the context clearly requires otherwise.

(b) As used in this section, unless the context clearly requires otherwise, "person" means a natural person or a small business as defined in RCW 19.85.020.

(3) This section does not affect those transactions upon which a default has occurred before any disruption of financial or data transfer operations attributable to a year 2000 failure.

(4) This section does not apply to any claim or cause of action filed after December 31, 2003.

(5) This section expires December 31, 2006.

NEW SECTION, Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House April 23, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 370

[Substitute Senate Bill 5416]

CHILDREN'S HEALTH INSURANCE PROGRAM

AN ACT Relating to creating the children's health insurance program; and adding a new section to chapter 74.09 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION, Sec. 1. A new section is added to chapter 74.09 RCW to read as follows:

(1) It is the intent of the legislature to create the children's health insurance program, the benefits of which are not an entitlement, to provide health care to children who are eligible for health care coverage under Title XXI of the federal social security act.

(2) For the purposes of this section, "children's health insurance program" means the program established in compliance with Title XXI of the federal social security act for health care coverage of children: (a) Who are under the age of nineteen; (b) whose family income at the time of enrollment exceeds two hundred percent, but does not exceed two hundred fifty percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; (c) who choose to obtain health care coverage in return for periodic payments; and (d) who are otherwise eligible under Title XXI.

(3) Consistent with appropriated funds, the department shall design and administer the children's health insurance program under Title XXI of the federal social security act. The benefit and cost-sharing designs shall comply with Title XXI. The primary mechanism for purchasing and delivery of health care for the program shall be through contracts with managed health care systems as defined in RCW 74.09.522. Consistent with Title XXI, the department may purchase health coverage for uninsured children whose families have access to dependent coverage.

(4) The department shall: Accept applications for enrollment in the children's health insurance program; establish appropriate minimum-enrollment periods, as may be necessary; and determine, upon application and based on a reasonable schedule defined by the department, eligibility due to current family income. No assistance may be paid with respect to any children's health insurance enrollee whose current family income is less than two hundred percent or greater than two hundred fifty percent of the federal poverty level or, is not otherwise eligible under Title XXI of the federal social security act.

(5) The department shall make every effort to obtain a change in federal law such that the state of Washington is authorized to use its children's health insurance program allotment to provide health care coverage for children whose family income at the time of enrollment is less than two hundred percent of the federal poverty level. By December 1, 1999, the department shall report to the legislature describing its efforts and the congressional response.

Passed the Senate March 11, 1999.

Passed the House April 25, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 371

[Substitute Senate Bill 5744]

CHILD DEPENDENCY PROCEEDINGS—LEGAL COSTS

AN ACT Relating to representation of parties in child dependency and termination proceedings; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The office of public defense shall develop a proposal to address the costs of legal representation and expenses reasonably related to such representation for indigent parents, guardians, legal custodians, and children in dependency and termination hearings under chapter 13.34 RCW. The proposal shall address the increased dependency and termination filings by the state under chapter 13.34 RCW and the effect of this increase on indigent defense costs. The proposal shall recommend strategies to ensure that an equitable method of paying for indigent defense costs in dependency and termination proceedings is established.

(2) The office of public defense shall present the proposal required under subsection (1) of this section to the appropriate standing committees of the legislature by December 6, 1999.

Passed the Senate April 22, 1999.

Passed the House April 13, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 372

[Senate Bill 5915]

REPORTS TO THE LEGISLATURE

AN ACT Relating to reports to the legislature; amending RCW 4.24.5502, 13.40.460, 18.20.230, 41.05.021, 43.06.400, 43.20A.375, 43.20A.870, 43.41.195, 43.59.150, 43.88.067, 43.180.070, 43.200.080, 47.06B.030, 70.24.107, 75.08.510, and 80.36.600; and repealing RCW 48.85.050 and 75.46.020.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 4.24.5502 and 1997 c 364 s 7 are each amended to read as follows:

~~((1))~~ The department of corrections, the department of social and health services, and the indeterminate sentence review board shall jointly develop, by September 1, 1997, a consistent approach to risk assessment for the purposes of implementing chapter 364, Laws of 1997, including consistent standards for classifying sex offenders into risk levels I, II, and III.

~~((2) The department of social and health services, the department of corrections, and the indeterminate sentence review board shall each prepare and deliver to the legislature, by December 1, 1998, a report indicating the number of sex offenders released after July 27, 1997, and classified in each level of risk category. The reports shall also include information on the number, jurisdictions, and circumstances where the risk level classification made by a local law enforcement agency or official for specific sex offenders differed from the risk level classification made by the department or the indeterminate sentence review board for the same offender.)~~

Sec. 2. RCW 13.40.460 and 1997 c 386 s 54 are each amended to read as follows:

The secretary, assistant secretary, or the secretary's designee shall manage and administer the department's juvenile rehabilitation responsibilities, including but not limited to the operation of all state institutions or facilities used for juvenile rehabilitation.

The secretary or assistant secretary shall:

(1) Prepare a biennial budget request sufficient to meet the confinement and rehabilitative needs of the juvenile rehabilitation program, as forecast by the office of financial management;

(2) Create by rule a formal system for inmate classification. This classification system shall consider:

(a) Public safety;

(b) Internal security and staff safety;

(c) Rehabilitative resources both within and outside the department;

(d) An assessment of each offender's risk of sexually aggressive behavior as provided in RCW 13.40.470; and

(e) An assessment of each offender's vulnerability to sexually aggressive behavior as provided in RCW 13.40.470;

(3) Develop agreements with local jurisdictions to develop regional facilities with a variety of custody levels;

(4) Adopt rules establishing effective disciplinary policies to maintain order within institutions;

(5) Develop a comprehensive diagnostic evaluation process to be used at intake, including but not limited to evaluation for substance addiction or abuse, literacy, learning disabilities, fetal alcohol syndrome or effect, attention deficit disorder, and mental health;

(6) Develop placement criteria: and

(a) To avoid assigning youth who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as youth assessed as vulnerable to sexual victimization under RCW 13.40.470(1)(c); and

(b) To avoid placing a juvenile offender on parole status who has been assessed as a moderate to high risk for sexually aggressive behavior in a department community residential program with another child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk youth or child in need of services under chapter 13.32A RCW; and (ii) not also a juvenile offender on parole status; and

(7) Develop a plan to implement, by July 1, 1995:

(a) Substance abuse treatment programs for all state juvenile rehabilitation facilities and institutions;

(b) Vocational education and instruction programs at all state juvenile rehabilitation facilities and institutions; and

(c) An educational program to establish self-worth and responsibility in juvenile offenders. This educational program shall emphasize instruction in character-building principles such as: Respect for self, others, and authority; victim awareness; accountability; work ethics; good citizenship; and life skills(~~;~~ and

~~(8) Study, in conjunction with the superintendent of public instruction, educators, and superintendents of state facilities for juvenile offenders, the feasibility and value of consolidating within a single entity the provision of educational services to juvenile offenders committed to state facilities. The assistant secretary shall report his or her findings to the legislature by December 1, 1995).~~

Sec. 3. RCW 18.20.230 and 1998 c 272 s 2 are each amended to read as follows:

(1) The department of social and health services shall review, in coordination with the department of health, the nursing care quality assurance commission, adult family home providers, boarding home providers, in-home personal care providers, and long-term care consumers and advocates, training standards for administrators and resident caregiving staff. ~~(The departments and the commission shall submit to the appropriate committees of the house of representatives and the senate by December 1, 1998, specific recommendations on training standards and the~~

~~delivery system, including necessary statutory changes and funding requirements.))~~
Any proposed enhancements shall be consistent with this section, shall take into account and not duplicate other training requirements applicable to boarding homes and staff, and shall be developed with the input of boarding home and resident representatives, health care professionals, and other vested interest groups. Training standards and the delivery system shall be relevant to the needs of residents served by the boarding home and recipients of long-term in-home personal care services and shall be sufficient to ensure that administrators and caregiving staff have the skills and knowledge necessary to provide high quality, appropriate care.

(2) The recommendations on training standards and the delivery system developed under subsection (1) of this section shall be based on a review and consideration of the following: Quality of care; availability of training; affordability, including the training costs incurred by the department of social and health services and private providers; portability of existing training requirements; competency testing; practical and clinical course work; methods of delivery of training; standards for management and caregiving staff training; and necessary enhancements for special needs populations and resident rights training. Residents with special needs include, but are not limited to, residents with a diagnosis of mental illness, dementia, or developmental disability.

~~((3) The department of social and health services shall report to the appropriate committees of the house of representatives and the senate by December 1, 1998, on the cost of implementing the proposed training standards for state-funded residents, and on the extent to which that cost is covered by existing state payment rates.))~~

Sec. 4. RCW 41.05.021 and 1997 c 274 s 1 are each amended to read as follows:

(1) The Washington state health care authority is created within the executive branch. The authority shall have an administrator appointed by the governor, with the consent of the senate. The administrator shall serve at the pleasure of the governor. The administrator may employ up to seven staff members, who shall be exempt from chapter 41.06 RCW, and any additional staff members as are necessary to administer this chapter. The administrator may delegate any power or duty vested in him or her by this chapter, including authority to make final decisions and enter final orders in hearings conducted under chapter 34.05 RCW. The primary duties of the authority shall be to: Administer state employees' insurance benefits and retired or disabled school employees' insurance benefits; administer the basic health plan pursuant to chapter 70.47 RCW; study state-purchased health care programs in order to maximize cost containment in these programs while ensuring access to quality health care; and implement state initiatives, joint purchasing strategies, and techniques for efficient administration that have potential application to all state-purchased health services. The authority's duties include, but are not limited to, the following:

(a) To administer health care benefit programs for employees and retired or disabled school employees as specifically authorized in RCW 41.05.065 and in accordance with the methods described in RCW 41.05.075, 41.05.140, and other provisions of this chapter;

(b) To analyze state-purchased health care programs and to explore options for cost containment and delivery alternatives for those programs that are consistent with the purposes of those programs, including, but not limited to:

(i) Creation of economic incentives for the persons for whom the state purchases health care to appropriately utilize and purchase health care services, including the development of flexible benefit plans to offset increases in individual financial responsibility;

(ii) Utilization of provider arrangements that encourage cost containment, including but not limited to prepaid delivery systems, utilization review, and prospective payment methods, and that ensure access to quality care, including assuring reasonable access to local providers, especially for employees residing in rural areas;

(iii) Coordination of state agency efforts to purchase drugs effectively as provided in RCW 70.14.050;

(iv) Development of recommendations and methods for purchasing medical equipment and supporting services on a volume discount basis; and

(v) Development of data systems to obtain utilization data from state-purchased health care programs in order to identify cost centers, utilization patterns, provider and hospital practice patterns, and procedure costs, utilizing the information obtained pursuant to RCW 41.05.031;

(c) To analyze areas of public and private health care interaction;

(d) To provide information and technical and administrative assistance to the board;

(e) To review and approve or deny applications from counties, municipalities, and other political subdivisions of the state to provide state-sponsored insurance or self-insurance programs to their employees in accordance with the provisions of RCW 41.04.205, setting the premium contribution for approved groups as outlined in RCW 41.05.050;

(f) To appoint a health care policy technical advisory committee as required by RCW 41.05.150;

(g) To establish billing procedures and collect funds from school districts and educational service districts under RCW 28A.400.400 in a way that minimizes the administrative burden on districts; and

(h) To promulgate and adopt rules consistent with this chapter as described in RCW 41.05.160.

(2) On and after January 1, 1996, the public employees' benefits board may implement strategies to promote managed competition among employee health benefit plans. Strategies may include but are not limited to:

(a) Standardizing the benefit package;

(b) Soliciting competitive bids for the benefit package;

(c) Limiting the state's contribution to a percent of the lowest priced qualified plan within a geographical area;

(d) Monitoring the impact of the approach under this subsection with regards to: Efficiencies in health service delivery, cost shifts to subscribers, access to and choice of managed care plans state-wide, and quality of health services. The health care authority shall also advise on the value of administering a benchmark employer-managed plan to promote competition among managed care plans. ~~((The health care authority shall report its findings and recommendations to the legislature by January 1, 1997.~~

~~—(3) The health care authority shall, no later than July 1, 1996, submit to the appropriate committees of the legislature, proposed methods whereby, through the use of a voucher-type process, state employees may enroll with any health carrier to receive employee benefits. Such methods shall include the employee option of participating in a health care savings account, as set forth in Title 48 RCW.))~~

Sec. 5. RCW 43.06.400 and 1987 c 472 s 16 are each amended to read as follows:

Beginning in January ~~((;))~~ 1984, and in January of every ~~((even-numbered))~~ fourth year thereafter, the department of revenue shall submit to the legislature prior to the regular session a listing of the amount of reduction for the current and next biennium in the revenues of the state or the revenues of local government collected by the state as a result of tax exemptions. The listing shall include an estimate of the revenue lost from the tax exemption, the purpose of the tax exemption, the persons, organizations, or parts of the population which benefit from the tax exemption, and whether or not the tax exemption conflicts with another state program. The listing shall include but not be limited to the following revenue sources:

- (1) Real and personal property tax exemptions under Title 84 RCW;
- (2) Business and occupation tax exemptions, deductions, and credits under chapter 82.04 RCW;
- (3) Retail sales and use tax exemptions under chapters 82.08, 82.12, and 82.14 RCW;
- (4) Public utility tax exemptions and deductions under chapter 82.16 RCW;
- (5) Food fish and shellfish tax exemptions under chapter 82.27 RCW;
- (6) Leasehold excise tax exemptions under chapter 82.29A RCW;
- (7) Motor vehicle and special fuel tax exemptions and refunds under chapters 82.36 and 82.38 RCW;
- (8) Aircraft fuel tax exemptions under chapter 82.42 RCW;
- (9) Motor vehicle excise tax exclusions under chapter 82.44 RCW; and
- (10) Insurance premiums tax exemptions under chapter 48.14 RCW.

The department of revenue shall prepare the listing required by this section with the assistance of any other agencies or departments as may be required.

The department of revenue shall present the listing to the ways and means committees of each house in public hearings.

Beginning in January(;) 1984, and every four years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to the legislature with respect to the repeal or modification of any tax exemption. The ways and means committees of each house and the appropriate standing committee of each house shall hold public hearings and take appropriate action on the recommendations submitted by the governor.

As used in this section, "tax exemption" means an exemption, exclusion, or deduction from the base of a tax; a credit against a tax; a deferral of a tax; or a preferential tax rate.

Sec. 6. RCW 43.20A.375 and 1988 c 49 s 2 are each amended to read as follows:

The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary on all matters pertaining to the department of social and health services.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.

(3) To review and make recommendations as to the continued operation, possible consolidation, or elimination of department advisory committees including those required by federal law or specifically created by statute. The review shall include review of the statement of purpose for each advisory committee and the time frames during which the committee is accountable to achieve its stated purposes. ~~((The state advisory committee shall conduct the review and report to the appropriate legislative committees no later than January 1, 1989.))~~

(4) To encourage public awareness and understanding of the department of social and health services and the department's programs and services.

(5) To develop agendas to foster periodic meetings with and communication between representatives of program-specific advisory committees.

(6) To encourage each regional advisory committee established under RCW 43.20A.360 to send a representative to regular state advisory committee meetings to foster communication between the regional advisory committees and: (a) The state advisory committee, and (b) headquarters of the department.

Sec. 7. RCW 43.20A.870 and 1997 c 386 s 47 are each amended to read as follows:

The department shall prepare an annual quality assurance report that shall include but is not limited to: (1) Performance outcomes regarding health and safety of children in the children's services system; (2) children's length of stay in out-of-home placement from each date of referral; (3) adherence to permanency planning timelines; and (4) the response time on child protective services investigations differentiated by risk level determined at intake. ~~((The report shall be provided to the governor and legislature not later than July 1.))~~

Sec. 8. RCW 43.41.195 and 1994 sp.s. c 7 s 319 are each amended to read as follows:

(1) The office of financial management, in consultation with affected parties, shall establish a fund distribution formula for determining allocations to the community networks authorized under RCW 70.190.130. The formula shall reflect the local needs assessment for at-risk children and consider:

- (a) The number of arrests and convictions for juvenile violent offenses;
- (b) The number of arrests and convictions for crimes relating to juvenile drug offenses and alcohol-related offenses;
- (c) The number of teen pregnancies and parents;
- (d) The number of child and teenage suicides and attempted suicides; and
- (e) The high school graduation rate.

(2) In developing the formula, the office of financial management shall reserve five percent of the funds for the purpose of rewarding community networks.

(3) The reserve fund shall be used by the council to reward community networks that show exceptional reductions in: State-funded out-of-home placements, violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, teen suicide attempts, or school dropout rates.

~~((4) The office of financial management shall submit the distribution formula to the family policy council and to the appropriate committees of the legislature by December 20, 1994.))~~

Sec. 9. RCW 43.59.150 and 1998 c 165 s 3 are each amended to read as follows:

(1) The Washington state traffic safety commission shall establish a program for improving bicycle and pedestrian safety, and shall cooperate with the stakeholders and independent representatives to form an advisory committee to develop programs and create public private partnerships which promote bicycle and pedestrian safety. ~~((The traffic safety commission shall report and make recommendations to the legislative transportation committee and the fiscal committees of the house of representatives and the senate by December 1, 1998, regarding the conclusions of the advisory committee.))~~

(2) The bicycle and pedestrian safety account is created in the state treasury. To the extent that private contributions are received by the traffic safety commission for the purposes of bicycle and pedestrian safety programs established under this section, the appropriations from the highway safety account for this purpose shall lapse.

Sec. 10. RCW 43.88.067 and 1995 c 403 s 905 are each amended to read as follows:

The office of financial management shall create a report annually ~~((to the legislature))~~ on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to RCW 4.84.340 through 4.84.360. The report shall describe the number, nature, and amount of the awards, the claims involved

in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

Sec. 11. RCW 43.180.070 and 1983 c 161 s 7 are each amended to read as follows:

The commission shall adopt a general plan of housing finance objectives to be implemented by the commission during the period of the plan. The commission shall adopt a plan no later than December 15, 1983. The commission may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the commission shall consider and set objectives for:

- (1) The use of funds for single-family and multifamily housing;
- (2) The use of funds for new construction, rehabilitation, including refinancing of existing debt, and home purchases;
- (3) The housing needs of low-income and moderate-income persons and families, and of elderly or mentally or physically handicapped persons;
- (4) The use of funds in coordination with federal, state, and local housing programs for low-income persons;
- (5) The use of funds in urban, rural, suburban, and special areas of the state;
- (6) The use of financing assistance to stabilize and upgrade declining urban neighborhoods;
- (7) The use of financing assistance for economically depressed areas, areas of minority concentration, reservations, and in mortgage-deficient areas;
- (8) The geographical distribution of bond proceeds so that the benefits of the housing programs provided under this chapter will be available to address demand on a fair basis throughout the state;
- (9) The use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

The plan shall include an estimate of the amount of bonds the commission will issue during the term of the plan and how bond proceeds will be expended.

The plan shall be adopted by resolution of the commission following at least one public hearing thereon, notice of which shall be made by mailing to the clerk of the governing body of each county and by publication in the Washington State Register no more than forty and no less than twenty days prior to the hearing. A draft of the plan shall be made available not less than thirty days prior to any such public hearing. At least every two years, the commission shall report to the legislature regarding implementation of the plan.

~~((Prior to December 31, 1983, the commission shall submit the plan to the chief clerk of the house and secretary of the senate for transmittal to and review by the appropriate standing committees.))~~ The commission may periodically update the plan. ~~((Proposed changes of the plan shall be submitted to the chief clerk of the house and secretary of the senate for transmittal to and review by the appropriate standing committees. This submittal of proposed changes shall occur at least fourteen days before final adoption of the changes by the commission.))~~

The commission shall adopt rules designed to result in the use of bond proceeds in a manner consistent with the plan. These rules shall be adopted and in full force and effect by February 1, 1984. The commission may periodically update its rules.

The commission is not required to adopt a plan or rules for the use of the proceeds of bonds issued prior to February, 1984. This section is designed to deal only with the use of bond proceeds and nothing in this section shall be construed as a limitation on the commission's authority to issue bonds.

Sec. 12. RCW 43.200.080 and 1991 sp.s. c 13 s 60 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. A site closure account and a perpetual surveillance and maintenance account is hereby created in the state treasury. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of

obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys, including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service (~~(account fund)) fund~~, pursuant to RCW 43.08.190 accruing under the authority of this section shall be directed to the site closure account until December 31, 1992. Thereafter receipts including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service (~~(account fund)) fund~~, pursuant to RCW 43.08.190 shall be directed to the site closure account and the perpetual surveillance and maintenance account as specified by the department. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the site closure account and the perpetual surveillance and maintenance account;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management;

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The plans shall be updated annually. (~~The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.~~)

Sec. 13. RCW 47.06B.030 and 1998 c 173 s 3 are each amended to read as follows:

The council shall:

- (1) Develop standards and strategies for coordinating special needs transportation;
- (2) Identify and develop, fund as resources are made available, and monitor coordinated transportation pilot projects;
- (3) Disseminate and encourage the widespread implementation of successful demonstration projects;
- (4) Identify and address barriers to transportation coordination;
- (5) Recommend to the legislature changes in law to assist coordination of transportation services;
- (6) Act as an information clearinghouse and advocate for coordinated transportation;
- (7) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets;
- ~~(8) Report to the legislature by December 1, 1998, on council activities including, but not limited to, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary).~~

Sec. 14. RCW 70.24.107 and 1997 c 345 s 6 are each amended to read as follows:

The department of health and the department of corrections shall each adopt rules to implement chapter 345, Laws of 1997. ~~(The department of health and the department of corrections shall also report to the legislature by January 1, 1998, on the following: (1) Changes made in rules and department of corrections and local jail policies and procedures to implement chapter 345, Laws of 1997; and (2) a summary of the number of times and the circumstances under which individual corrections staff and jail staff members were informed that a particular offender or detainee had a sexually transmitted disease or other communicable disease.)~~ The department of health and the department of corrections shall cooperate with local jail administrators to obtain the information from local jail administrators that is necessary to comply with this section.

Sec. 15. RCW 75.08.510 and 1998 c 250 s 2 are each amended to read as follows:

The department shall mark appropriate coho salmon that are released from department operated hatcheries and rearing ponds in such a manner that the fish are externally recognizable as hatchery origin salmon by fishers for the purpose of maximized catch while sustaining wild and hatchery reproduction.

The department shall mark all appropriate chinook salmon targeted for contribution to the Washington catch that are released from department operated hatcheries and rearing ponds in such a manner that the fish are externally recognizable as hatchery origin salmon by fishers.

The goal of the marking program is: (1) The annual marking by June 30, 1997, of all appropriate hatchery origin coho salmon produced by the department

with marking to begin with the 1994 Puget Sound coho brood; and (2) the annual marking by June 30, 1999, of all appropriate hatchery origin chinook salmon produced by the department with marking to begin with the 1998 chinook brood. The department may experiment with different methods for marking hatchery salmon with the primary objective of maximum survival of hatchery marked fish, maximum contribution to fisheries, and minimum cost consistent with the other goals.

The department shall coordinate with other entities that are producing hatchery chinook and coho salmon for release into public waters to enable the broadest application of the marking program to all hatchery produced chinook and coho salmon. The department shall work with the treaty Indian tribes in order to reach mutual agreement on the implementation of the mass marking program. ~~((The department shall report to the appropriate legislative committees by January 1, 1999, on the progress made in reaching mutual agreement with the treaty Indian tribes and any Pacific coast state or province to achieve the goal of coast-wide marking of chinook and coho salmon.))~~ The ultimate goal of the program is the coast-wide marking of appropriate hatchery origin chinook and coho salmon, and the protection of all wild chinook and coho salmon, where appropriate.

Sec. 16. RCW 80.36.600 and 1998 c 337 s 1 are each amended to read as follows:

(1) The commission shall plan and prepare to implement a program for the preservation and advancement of universal telecommunications service which shall not take effect until the legislature approves the program. The purpose of the universal service program is to benefit telecommunications ratepayers in the state by minimizing implicit sources of support and maximizing explicit sources of support that are specific, sufficient, competitively neutral, and technologically neutral to support basic telecommunications services for customers of telecommunications companies in high-cost locations.

(2) In preparing a universal service program for approval by the legislature, the commission shall:

(a) Estimate the cost of supporting all lines located in high-cost locations and the cost of supporting one primary telecommunications line for each residential or business customer located in high-cost locations;

(b) Determine the assessments that must be made on all telecommunications carriers, and the manner of collection, to provide support for:

(i) All residential and business lines located in high-cost locations;

(ii) Only one primary line for each residential or business customer located in high-cost locations;

(c) Designate those telecommunications carriers serving high-cost locations that are eligible to receive support for the benefit of their customers in those locations;

(d) Adopt or prepare to adopt all necessary rules for administration of the program; and

(e) Provide a schedule of all fees and payments proposed or expected to be proposed by the commission under subsection ~~((4))~~ (3)(d) of this section.

~~(3) ((The commission shall report by November 1, 1998, to the legislature on these steps taken to prepare for implementation and shall inform the legislature of the estimated cost to support all lines located in high-cost locations and the estimated cost to support only one primary line for each residential or business customer located in high-cost locations under a universal service program.~~

~~—(4))~~ Once a program is approved by the legislature and subsequently established, the following provisions apply unless otherwise directed by the legislature:

(a) All transfers of money necessary to provide the support shall be outside the state treasury and not be subject to appropriation;

(b) The commission may delegate to the commission secretary or other staff the authority to resolve disputes or make other decisions necessary to the administration of the program;

(c) The commission may contract with an independent program administrator subject to the direction and control of the commission and may authorize the establishment of an account or accounts in independent financial institutions should that be necessary for administration of the program;

(d) The expenses of an independent program administrator shall be authorized by the commission and shall be paid out of contributions by the telecommunications carriers participating in the program;

(e) The commission may require the carriers participating in the program, as part of their contribution, to pay into the public service revolving fund the costs of the commission attributable to supervision and administration of the program that are not otherwise recovered through fees paid to the commission.

~~((5))~~ (4) The commission shall establish standards for review or testing of all telecommunications carriers' compliance with the program for the purpose of ensuring the support received by a telecommunications carrier is used only for the purposes of the program and that each telecommunications carrier is making its proper contribution to the program. The commission may conduct the review or test, or contract with an independent administrator or other person to conduct the review or test.

~~((6))~~ (5) The commission shall coordinate administration of the program with any federal universal service program and may administer the federal fund in conjunction with the state program if so authorized by federal law.

~~((7))~~ (6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Telecommunications carrier" has the same meaning as defined in 47 U.S.C. Sec. 153(44).

(b) "Basic telecommunications services" means the following services:

(i) Single-party service;

(ii) Voice grade access to the public switched network;

- (iii) Support for local usage;
- (iv) Dual tone multifrequency signaling (touch-tone);
- (v) Access to emergency services (911);
- (vi) Access to operator services;
- (vii) Access to interexchange services;
- (viii) Access to directory assistance; and
- (ix) Toll limitation services.

(c) "High-cost location" means a location where the cost of providing telecommunications services is greater than a benchmark established by the commission by rule.

~~((8))~~ (7) Each telecommunications carrier that provides intrastate telecommunications services shall provide whatever information the commission may reasonably require in order to fulfill the commission's responsibilities under subsection (2) of this section.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

- (1) RCW 48.85.050 and 1995 1st sp.s. c 18 s 80 & 1993 c 492 s 462; and
- (2) RCW 75.46.020 and 1998 c 246 s 3.

Passed the Senate April 22, 1999.

Passed the House April 14, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 373

[Engrossed Second Substitute Senate Bill 5825]

STUDENT ASSESSMENTS

AN ACT Relating to student assessments; amending RCW 28A.300.310, 28A.300.320, 28A.230.190, 28A.230.230, 28A.630.885, 28A.230.250, and 28A.230.195; adding a new section to chapter 28A.230 RCW; creating a new section; repealing RCW 28A.230.210, 28A.230.220, and 28A.230.240; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Part 1

Second Grade Accuracy and Fluency Assessment

Sec. 101. RCW 28A.300.310 and 1997 c 262 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall identify a collection of ~~((tests))~~ reading passages and assessment procedures that can be used to measure second grade oral reading accuracy and fluency skills. The purpose of the second grade reading ~~((test))~~ assessment is to provide information to parents, teachers, and school administrators on the level of acquisition of oral reading accuracy and fluency skills of each student at the beginning of second grade. The assessment procedures and each of the ((tests)) reading passages in the collection must:

(a) Provide a reliable and valid measure of ~~((**it**))~~ a student's oral reading accuracy and fluency skills;

(b) Be able to be individually administered;

(c) Have been approved by a panel of nationally recognized professionals in the area of beginning reading, whose work has been published in peer-reviewed education research journals, and professionals in the area of measurement and assessment; and

(d) Assess student skills in recognition of letter sounds, phonemic awareness, word recognition, and reading connected text. Text used for the test of fluency must be ordered in relation to difficulty.

(2) The superintendent of public instruction shall select ~~((**tests**))~~ reading passages for use by schools and school districts participating in pilot projects under RCW 28A.300.320 during the 1997-98 school year. The final collection must be selected by June 30, 1998. The superintendent of public instruction may add reading passages to the initial list if the passages are comparable in format to the initial passages approved by the expert panel in subsection (1) of this section.

(3) The superintendent of public instruction shall develop a per-pupil cost for ~~((**each of**))~~ the ~~((**tests**))~~ assessments in the collection that details the costs for administering the assessments, booklets, scoring ~~((**services**))~~, and training required to reliably administer the test. To the extent funds are appropriated, the superintendent of public instruction shall pay for the cost of administering and scoring the assessments, booklets or other ~~((**testing**))~~ assessment material, ~~((**scoring services**))~~ and training required to administer the test.

Sec. 102. RCW 28A.300.320 and 1998 c 319 s 201 are each amended to read as follows:

(1) The superintendent of public instruction shall create a pilot project to identify which second grade reading ~~((**test**))~~ assessments selected under RCW 28A.300.310 will be included in the final collection of ~~((**tests**))~~ assessments that must be available by June 30, 1998.

(2) Schools and school districts may voluntarily participate in the second grade reading test pilot projects in the 1997-98 school year. Schools and school districts voluntarily participating in the pilot project test are not required to have the results available by the fall parent-teacher conference.

(3)(a) Starting in the 1998-99 school year, school districts must select ~~((**a test**))~~ an assessment from the collection adopted by the superintendent of public instruction. Selection must be at the entire school district level ~~((**and must remain in place at that school district for at least three years**))~~.

(b) The second grade reading ~~((**test**))~~ assessment selected by the school district must be administered annually in the fall beginning with the 1998-99 school year. Students who score substantially below grade level when ~~((**tested**))~~ assessed in the fall shall be ~~((**tested**))~~ assessed at least one more time during the second grade. ~~((**Test**))~~ Assessment performance deemed to be "substantially below grade level"

is to be determined for each ~~((test))~~ passage in the collection by the superintendent of public instruction ~~((during the pilot year of 1997-98))~~.

(c) If a student, while taking the ~~((test))~~ assessment, reaches a point at which the student's performance will be considered "substantially below grade level" regardless of the student's performance on the remainder of the ~~((test))~~ assessment, the ~~((test))~~ assessment may be discontinued.

(d) Each school must have the ~~((test))~~ assessment results available by the fall parent-teacher conference. Schools must notify parents about the second grade reading ~~((test))~~ assessment during the conferences, inform the parents of their students' performance on the ~~((test))~~ assessment, identify actions the school intends to take to improve the child's reading skills, and provide parents with strategies to help the parents improve their child's score.

Part 2

Changes to Third Grade Basic Skills Norm-Referenced Test

Sec. 201. RCW 28A.230.190 and 1998 c 319 s 202 are each amended to read as follows:

(1) School districts shall ~~((test))~~ assess students for second grade reading accuracy and fluency skills starting in the 1998-99 school year as provided in RCW 28A.300.320.

(2) The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, a norm-referenced standardized achievement test to be given annually to all pupils in grade three. The test shall assess students' basic skills in reading and mathematics ~~((, and shall focus upon appropriate input variables))~~. Results of such tests and relevant student, school, and district characteristics shall be compiled annually by the superintendent of public instruction, who shall make those results available annually to the public, to the legislature, to all local school districts, and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels ~~((and input variables))~~ of their children as compared with the other students within the district, the state, and ~~((, if applicable,))~~ the nation.

~~((3) The superintendent of public instruction shall report annually to the legislature on the achievement levels of students in grade three.))~~

Part 3

Sixth Grade Basic Skills Norm-Referenced Test

NEW SECTION. **Sec. 301.** A new section is added to chapter 28A.230 RCW to read as follows:

The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, a norm-referenced standardized achievement test to be given annually to all pupils in grade six. The test shall assess students' basic skills in reading/language arts and mathematics. Results of such tests and relevant student, school, and district characteristics shall be compiled by the superintendent of public instruction, who shall make those results available annually to the public,

to the legislature, to all local school districts, and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels of their children as compared with the other students within the district, the state, and the nation.

Part 4
Ninth Grade Norm-Referenced Test
and Interest Inventory

Sec. 401. RCW 28A.230.230 and 1990 c 101 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, an annual assessment of all students in the ~~((eighth))~~ ninth grade. The purposes of the assessment are to assist students, parents, and teachers in the planning and selection of appropriate high school courses for students and to provide information about students' current academic proficiencies both in the basic skills of reading ~~((;))~~ language arts and mathematics, ~~((and language,))~~ and in the reasoning and thinking skills essential for successful entry into those courses required for high school graduation. The assessment shall also include the collection of information about students' interests and plans for high school and beyond and ~~((may))~~ shall include the collection of other related student and school information. The superintendent of public instruction shall make the results of the assessment and relevant student, school, and district characteristics available annually to the public, to the legislature, and to all school districts, which shall in turn make them available to students, parents, and teachers in a timely fashion ~~((and in a manner consistent with the purposes of RCW 28A.230.220 through 28A.230.260)).~~

(2) Upon request, the superintendent of public instruction shall make available to requesting school districts the inventory used to collect information about students' interests and plans for high school and beyond for use by students in the eighth grade. To the extent funds are appropriated, the superintendent shall provide the inventory, tabulation services, and reporting at no cost or at reduced cost to school districts.

Part 5
Washington Assessment of Student Learning - Science,
Social Studies, Arts, Health, and Fitness Assessments

Sec. 501. RCW 28A.630.885 and 1998 c 225 s 1 are each amended to read as follows:

(1) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, to develop student assessment and school accountability systems, to review current school district data reporting requirements and make recommendations on what data is necessary for the

purposes of accountability and meeting state information needs, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and five members appointed no later than June 1, 1993, by the governor elected in the November 1992 election. The governor shall appoint a chair from the commission members, and fill any vacancies in gubernatorial appointments that may occur. The state board of education shall fill any vacancies of state board of education appointments that may occur. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the racial and ethnic diversity of the state's K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(2) The commission shall establish advisory committees. Membership of the advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(3) The commission, with the assistance of the advisory committees, shall:

(a) Develop essential academic learning requirements based on the student learning goals in RCW 28A.150.210. Essential academic learning requirements shall be developed, to the extent possible, for each of the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. Essential academic learning requirements for RCW 28A.150.210(1), goal one, and the mathematics component of RCW 28A.150.210(2), goal two, shall be completed no later than March 1, 1995. Essential academic learning requirements that incorporate the remainder of RCW 28A.150.210 (2), (3), and (4), goals two, three, and four, shall be completed no later than March 1, 1996. To the maximum extent possible, the commission shall integrate goal four and the knowledge and skill areas in the other goals in the development of the essential academic learning requirements;

(b)(i) The commission and superintendent of public instruction shall (~~present to the state board of education and superintendent of public instruction~~) develop a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has (~~mastered~~) learned the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures. Performance standards for determining if a student has successfully completed an assessment

shall be ~~((initially))~~ determined by the commission and the superintendent of public instruction in consultation with the advisory committees required in subsection (2) of this section.

(ii) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not ~~((mastered))~~ learned the essential academic learning requirements at the appropriate periods in the student's educational development.

~~(iii) Assessments measuring the essential academic learning requirements ((developed for RCW 28A.150.210(1) and the mathematics component of RCW 28A.150.210(2) referred to in this section as reading, writing, communications, and mathematics shall be developed and initially implemented by the commission before transferring the assessment system to the superintendent of public instruction on June 30, 1999. The elementary assessments for reading, writing, communications, and mathematics shall be available for use by school districts no later than the 1996-97 school year, the middle school assessment no later than the 1997-98 school year, and the high school assessment no later than the 1998-99 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. Assessments measuring the essential academic learning requirements developed for the science component of RCW 28A.150.210(2) at the middle school and high school levels shall be available for use by districts no later than the 1998-99 school year)) shall be available for voluntary use by school districts and shall be required to be administered by school districts according to the following schedule unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements.~~

	<u>Assessments available for voluntary use (School years)</u>	<u>Assessments required to be administered (School years)</u>
<u>Reading, Writing, Communication, Mathematics</u>		
- Elementary school	<u>1996-97</u>	<u>1997-98</u>
- Middle school	<u>1997-98</u>	<u>2000-01</u>
- High school	<u>1998-99</u>	<u>2000-01</u>
<u>Science</u>		
- Middle and high school	<u>1999-00</u>	<u>2000-01</u>
- Elementary school	<u>2001-02</u>	<u>2004-05</u>
<u>Social Studies</u>		
- Elementary, middle, and high school	<u>2002-03</u>	<u>2005-06</u>

Arts

- <u>Middle and high school</u>	<u>2003-04</u>	<u>2006-07</u>
- <u>Elementary school</u>	<u>2003-04</u>	<u>2007-08</u>

Health, Fitness

- <u>Middle and high school</u>	<u>2003-04</u>	<u>2006-07</u>
- <u>Elementary school</u>	<u>2003-04</u>	<u>2007-08</u>

The completed assessments and assessments still in development shall be transferred by the commission on student learning to the superintendent of public instruction by June 30, 1999(~~(, unless the legislature takes action to delay implementation of the assessment system and essential academic learning requirements. The superintendent shall continue the development of assessments on the following schedule: The history, civics, and geography assessments at the middle and high school levels shall be available for use by districts no later than the 2000-01 school year; the arts assessment for middle and high school levels shall be available for use by districts no later than the 2000-01 school year; and the health and fitness assessments for middle and high school levels shall be available no later than the 2001-02 school year. The elementary science assessment shall be available for use by districts not later than the 2001-02 school year. The commission or the superintendent, as applicable, shall upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted. By December 15, 1998, the commission on student learning shall recommend to the appropriate committees of the legislature a revised timeline for implementing these assessments and when the school districts should be required to participate. All school districts shall be required to participate in the history, civics, geography, arts, health, fitness, and elementary science assessments in the third year after the assessments are available to school districts)).~~

(iv) To the maximum extent possible, the commission and the superintendent of public instruction shall integrate knowledge and skill areas in development of the assessments.

~~((iv))~~ Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two. ~~((Before the 1997-98 school year, the elementary assessment system in reading, writing, communications, and mathematics shall be optional. School districts that desire to participate before the 1997-98 school year shall notify the commission on student learning in a manner determined by the commission. Beginning in the 1997-98 school year, school districts shall be required to participate in the elementary assessment system for reading, writing, communications, and mathematics. Before the 2000-01 school year, participation by school districts in the middle school and high school assessment system for reading, writing, communications, mathematics, and science shall be optional. School districts that desire to participate before the 1997-98 school year shall~~

~~notify the commission on student learning in a manner determined by the commission on student learning. Schools that desire to participate after the 1998-99 school year, shall notify the superintendent of public instruction in a manner determined by the superintendent. Beginning in the 2000-01 school year, all school districts shall be required to participate in the assessment system for reading, writing, communications, mathematics, and science.))~~

(v) The commission on student learning may modify the essential academic learning requirements and the assessments ~~((for reading, writing, communications, mathematics, and science)), as needed, before June 30, 1999. The superintendent of public instruction may modify the essential academic learning requirements and the assessments, as needed, after June 30, 1999.~~ The commission and superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(vi) The commission and the superintendent of public instruction shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender;

(c) After a determination is made by the state board of education that the high school assessment system has been implemented and that it is sufficiently reliable and valid, successful completion of the high school assessment shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation. The commission shall make recommendations to the state board of education regarding the relationship between the certificate of mastery and high school graduation requirements. Upon achieving the certificate of mastery, schools shall provide students with the opportunity to pursue career and educational objectives through educational pathways that emphasize integration of academic and vocational education. Educational pathways may include, but are not limited to, programs such as work-based learning, school-to-work transition, tech prep, vocational-technical education, running start, and preparation for technical college, community college, or university education. Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Parents

and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate;

(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Consider methods to address the unique needs of highly capable students when developing the assessments in (b) and (c) of this subsection;

(f) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the academic assessment system;

(g) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements for public school students that are consistent with the essential academic learning requirements and the certificate of mastery;

(h) Review current school district data reporting requirements for the purposes of accountability and meeting state information needs. The commission on student learning shall report recommendations to the joint select committee on education restructuring by September 15, 1996, on:

(i) What data is necessary to compare how school districts are performing before the essential academic learning requirements and the assessment system are implemented with how school districts are performing after the essential academic learning requirements and the assessment system are implemented; and

(ii) What data is necessary pertaining to school district reports under the accountability systems developed by the commission on student learning under this section;

(i) Recommend to the legislature, governor, state board of education, and superintendent of public instruction:

(i) A state-wide accountability system to monitor and evaluate accurately and fairly at elementary, middle, and high schools the level of learning occurring in individual schools and school districts with regard to the goals included in RCW 28A.150.210 (1) through (4). The accountability system must assess each school individually against its own baseline, schools with similar characteristics, and schools state-wide. The system shall include school-site, school district, and state-level accountability reports;

(ii) A school assistance program to help schools and school districts that are having difficulty helping students meet the essential academic learning requirements as measured by performance on the elementary, middle school, and high school assessments;

(iii) A system to intervene in schools and school districts in which significant numbers of students persistently fail to learn the essential academic learning requirements or meet the standards established for the elementary, middle school, and high school assessments; and

(iv) An awards program to provide incentives to school staff to help their students learn the essential academic learning requirements, with each school being assessed individually against its own baseline, schools with similar characteristics, and the state-wide average. Incentives shall be based on the rate of percentage change of students achieving the essential academic learning requirements and progress on meeting the state-wide average. School staff shall determine how the awards will be spent.

The commission shall make recommendations regarding a state-wide accountability system for reading in grades kindergarten through four by November 1, 1997. Recommendations for an accountability system in the other subject areas and grade levels shall be made no later than June 30, 1999;

(j) Report annually by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission; and

(k) Make recommendations to the legislature and take other actions necessary or desirable to help students meet the student learning goals.

(4) The commission shall coordinate its activities with the state board of education and the office of the superintendent of public instruction.

(5) The commission shall seek advice broadly from the public and all interested educational organizations in the conduct of its work, including holding periodic regional public hearings.

(6) The commission shall select an entity to provide staff support and the office of the superintendent of public instruction shall provide administrative oversight and be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations.

(7) Members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(8)(a) By September 30, 1997, the commission on student learning, the state board of education, and the superintendent of public instruction shall jointly present recommendations to the education committees of the house of representatives and the senate regarding the high school assessments, the certificate of mastery, and high school graduation requirements.

In preparing recommendations, the commission on student learning shall convene an ad hoc working group to address questions, including:

(i) What type of document shall be used to identify student performance and achievement and how will the document be described?

(ii) Should the students be required to pass the high school assessments in all skill and content areas, or only in select skill and content areas, to graduate?

(iii) How will the criteria for establishing the standards for passing scores on the assessments be determined?

(iv) What timeline should be used in phasing-in the assessments as a graduation requirement?

(v) What options may be used in demonstrating how the results of the assessments will be displayed in a way that is meaningful to students, parents, institutions of higher education, and potential employers?

(vi) Are there other or additional methods by which the assessments could be used to identify achievement such as endorsements, standards of proficiency, merit badges, or levels of achievement?

(vii) Should the assessments and certificate of mastery be used to satisfy college or university entrance criteria for public school students? If yes, how should these methods be phased-in?

(b) The ad hoc working group shall report its recommendations to the commission on student learning, the state board of education, and the superintendent of public instruction by June 15, 1997. The commission shall report the ad hoc working group's recommendations to the education committees of the house of representatives and senate by July 15, 1997. Final recommendations of the commission on student learning, the state board of education, and the superintendent of public instruction shall be presented to the education committees of the house of representatives and the senate by September 30, 1997.

(9) The Washington commission on student learning shall expire on June 30, 1999.

Part 6

Miscellaneous

NEW SECTION. Sec. 601. Part headings used in this act are not any part of the law.

Sec. 602. RCW 28A.230.250 and 1990 c 101 s 4 are each amended to read as follows:

The superintendent of public instruction shall coordinate both the procedures and the content of the ~~((eighth and eleventh grade assessments))~~ tests and assessments required by the state to maximize the value of the information provided to students as they progress ~~((from eighth grade through high school))~~ and to teachers and parents about students' talents, interests, and academic needs or deficiencies so that appropriate programs can be provided to enhance the likelihood of students' success both in ~~((terms of high))~~ school ~~((graduation))~~ and beyond ~~((high school))~~.

Sec. 603. RCW 28A.230.195 and 1992 c 141 s 401 are each amended to read as follows:

(1) If students' scores on the test or assessments under RCW 28A.230.190, 28A.230.230, and (~~28A.230.240~~) 28A.630.885 indicate that students need help in identified areas, the school district shall (~~adjust the curriculum in the identified areas~~) evaluate its instructional practices and make appropriate adjustments.

(2) Each school district shall notify the parents of each student of their child's performance on the test and assessments conducted under this chapter.

NEW SECTION. Sec. 604. The following acts or parts of acts are each repealed:

(1) RCW 28A.230.210 (Washington life skills test—Development and review—Use by school districts) and 1984 c 278 s 11;

(2) RCW 28A.230.220 (High school and beyond assessment program) and 1990 c 101 s 1; and

(3) RCW 28A.230.240 (Annual assessment of eleventh grade students) and 1990 c 101 s 3.

NEW SECTION. Sec. 605. The following acts or parts of acts are each repealed:

(1) 1998 c 225 s 3 (uncodified);

(2) 1995 c 209 s 3 (uncodified); and

(3) 1995 c 209 s 2 & 1992 c 141 s 203 (uncodified).

NEW SECTION. Sec. 606. Section 605 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the Senate March 10, 1999.

Passed the House April 24, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 374

[Engrossed Substitute Senate Bill 5599]

TEMPORARY AGRICULTURAL WORKER HOUSING

AN ACT Relating to agricultural worker protection regulatory duties; amending RCW 70.114A.020, 70.114A.060, 70.114A.081, and 43.70.335; adding new sections to chapter 70.114A RCW; adding new sections to chapter 49.17 RCW; adding a new section to chapter 43.70 RCW; creating a new section; and repealing RCW 43.70.330 and 70.54.110.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 70.114A RCW to read as follows:

The department and the department of labor and industries shall adopt joint rules for the licensing, operation, and inspection of temporary worker housing, and the enforcement thereof. These rules shall establish standards that are as effective as the standards developed under the Washington industrial safety and health act, chapter 49.17 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:

The department and the department of health shall adopt joint rules for the licensing, operation, and inspection of temporary worker housing, and the enforcement thereof. For the purposes of this section "temporary worker housing" has the same meaning as given in RCW 70.114A.020.

NEW SECTION. Sec. 3. A new section is added to chapter 70.114A RCW to read as follows:

By December 1, 1999, the department and the department of labor and industries shall jointly establish a formal agreement that identifies the roles of each of the two agencies with respect to the enforcement of temporary worker housing operation standards.

The agreement shall, to the extent feasible, provide for inspection and enforcement actions by a single agency, and shall include measures to avoid multiple citations for the same violation.

NEW SECTION. Sec. 4. A new section is added to chapter 49.17 RCW to read as follows:

By December 1, 1999, the department and the department of health shall jointly establish a formal agreement that identifies the roles of each of the two agencies with respect to the enforcement of temporary worker housing operation standards.

The agreement shall, to the extent feasible, provide for inspection and enforcement actions by a single agency, and shall include measures to avoid multiple citations for the same violation.

For the purposes of this section, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

NEW SECTION. Sec. 5. A new section is added to chapter 70.114A RCW to read as follows:

(1) The department and the department of labor and industries are directed to engage in joint rule making to establish standards for cherry harvest temporary labor camps. These standards may include some variation from standards that are necessary for longer occupancies, provided they are as effective as the standards adopted under the Washington industrial safety and health act, chapter 49.17 RCW. As used in this section "cherry harvest temporary labor camp" means a place where housing and related facilities are provided to agricultural employees by agricultural employers for no more than twenty-one days in any one calendar year. Temporary labor camps licensed under this section may be occupied for more than twenty-one days if the following conditions are met: (a) The secretary or an authorized representative and the local health jurisdiction determine that the health and safety interests of the worker occupants would be better served by extending the occupancy than closing the camp at the end of the initial twenty-one day period; and (b) the operator requests an extension at least three days prior to the expiration

of the initial twenty-one day period. The extended occupancy shall not exceed seven days.

(2) Facilities licensed under rules adopted under this section may not be used to provide housing for agricultural employees who are nonimmigrant aliens admitted to the United States for agricultural labor or services of a temporary or seasonal nature under section 1101(a)(15)(H)(ii)(a) of the immigration and nationality act (8 U.S.C. Sec. 1101(a)(15)(H)(ii)(a)).

(3) This section has no application to temporary worker housing constructed in conformance with codes listed in RCW 19.27.031 or 70.114A.081.

Sec. 6. RCW 70.114A.020 and 1995 c 220 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(2) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes but is not limited to the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(3) "Department" means the department of health.

~~((2))~~ (4) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, that is:

(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and common-use areas.

~~((3))~~ (5) "Enforcement" and "enforcement actions" include the authority to levy and collect fines.

(6) "Facility" means a sleeping place, drinking water, toilet, sewage disposal, food handling installation, or other installations required for compliance with this chapter.

~~((4))~~ (7) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

~~((5))~~ (8) "Operator" means a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary worker housing under a lease or other arrangement.

~~((6))~~ (9) "Temporary worker" means ~~((a person))~~ an agricultural employee employed intermittently and not residing year-round at the same site.

~~((7))~~ (10) "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for

his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy (~~(, and includes "labor camps" under RCW 70.54.110)~~).

Sec. 7. RCW 70.114A.060 and 1995 c 220 s 6 are each amended to read as follows:

The secretary of the department or authorized representative may inspect housing covered by chapter 220, Laws of 1995, to enforce temporary worker housing rules adopted by the state board of health prior to the effective date of this act or the department, or when the secretary or representative has reasonable cause to believe that a violation of temporary worker housing rules adopted by the state board of health prior to the effective date of this act or the department is occurring or is being maintained. If the buildings or premises are occupied as a residence, a reasonable effort shall be made to obtain permission from the resident. If the premises or building is unoccupied, a reasonable effort shall be made to locate the owner or other person having charge or control of the building or premises and request entry. If consent for entry is not obtained, for whatever reason, the secretary or representative shall have recourse to every remedy provided by law to secure entry.

Sec. 8. RCW 70.114A.081 and 1998 c 37 s 2 are each amended to read as follows:

(1) The department shall adopt by rule a temporary worker building code in conformance with the temporary worker housing standards developed under the Washington industrial safety and health act, chapter 49.17 RCW, (~~(the rules adopted by the state board of health under RCW 70.54.110,)~~) and the following guidelines:

(a) The temporary worker building code shall provide construction standards for shelter and associated facilities that are safe, secure, and capable of withstanding the stresses and loads associated with their designated use, and to which they are likely to be subjected by the elements;

(b) The temporary worker building code shall permit and facilitate designs and formats that allow for maximum affordability, consistent with the provision of decent, safe, and sanitary housing;

(c) In developing the temporary worker building code the department of health shall consider:

(i) The need for dormitory type housing for groups of unrelated individuals; and

(ii) The need for housing to accommodate families;

(d) The temporary worker building code shall incorporate the opportunity for the use of construction alternatives and the use of new technologies that meet the performance standards required by law;

(e) The temporary worker building code shall include standards for heating and insulation appropriate to the type of structure and length and season of occupancy;

(f) The temporary worker building code shall include standards for temporary worker housing that are to be used only during periods when no auxiliary heat is required; and

(g) The temporary worker building code shall provide that persons operating temporary worker housing consisting of four or fewer dwelling units or combinations of dwelling units, dormitories, or spaces that house nine or fewer occupants may elect to comply with the provisions of the temporary worker building code, and that unless the election is made, such housing is subject to the codes adopted under RCW 19.27.031.

(2) In adopting the temporary worker building code, the department shall make exceptions to the codes listed in RCW 19.27.031 and chapter 19.27A RCW, in keeping with the guidelines set forth in this section. The initial temporary worker building code adopted by the department shall be substantially equivalent with the temporary worker building code developed by the state building code council as directed by section 8, chapter 220, Laws of 1995.

(3) The temporary worker building code authorized and required by this section shall be enforced by the department.

The department shall have the authority to allow minor variations from the temporary worker building code that do not compromise the health or safety of workers. Procedures for requesting variations and guidelines for granting such requests shall be included in the rules adopted under this section.

NEW SECTION. Sec. 9. A new section is added to chapter 43.70 RCW to read as follows:

For the purposes of RCW 43.70.335, 43.70.337, and 43.70.340, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

Sec. 10. RCW 43.70.335 and 1998 c 37 s 5 are each amended to read as follows:

(1) Any person providing temporary worker housing consisting of five or more dwelling units, or any combination of dwelling units, dormitories, or spaces that house ten or more occupants, or any person providing temporary worker housing who makes the election to comply with the temporary worker building code under RCW 70.114A.081(1)(g), shall secure an annual operating license prior to occupancy and shall pay a fee according to RCW 43.70.340. The license shall be conspicuously displayed on site.

(2) Licenses issued under this chapter may be suspended or revoked upon the failure or refusal of the person providing temporary worker housing to comply with ~~((the provisions of RCW 70.54.110, or of any))~~ rules adopted under this section or chapter 70.114A RCW by the department. All such proceedings shall be governed by the provisions of chapter 34.05 RCW.

(3) The department may assess a civil fine in accordance with RCW 43.70.095 for failure or refusal to obtain a license prior to occupancy of temporary worker housing. The department may refund all or part of the civil fine collected once the operator obtains a valid operating license.

(4) Civil fines under this section shall not exceed twice the cost of the license plus the cost of the initial on-site inspection for the first violation of this section, and shall not exceed ten times the cost of the license plus the cost of the initial on-site inspection for second and subsequent violations within any five-year period. The department may adopt rules as necessary to assure compliance with this section.

NEW SECTION. Sec. 11. A new section is added to chapter 70.114A RCW to read as follows:

The department shall prepare a report to the legislature on utilization of the temporary worker building code authorized by RCW 70.114A.081. The report shall include the number of housing units, number of families or individuals housed, number of growers obtaining permits, the geographic distribution of the permits, and recommendations of changes in the temporary worker building code necessary to avoid health and safety problems for the occupants. The report shall be transmitted to the senate committee on commerce, trade, housing and financial institutions and the house of representatives committee on economic development, housing and trade by December 15, 2000, and an update shall be transmitted every two years thereafter.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) RCW 43.70.330 (Labor camps and farmworker housing—Inspector—Interagency agreement for inspections) and 1998 c 245 s 74, 1995 c 399 s 75, & 1990 c 253 s 2; and

(2) RCW 70.54.110 (New housing for agricultural workers to comply with board of health regulations) and 1995 c 220 s 11, 1990 c 253 s 4, & 1969 ex.s. c 231 s 1.

NEW SECTION. Sec. 13. Rules adopted under RCW 70.54.110 prior to the effective date of this act shall remain in effect until modified.

Passed the Senate April 22, 1999.

Passed the House April 16, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 375

[Substitute Senate Bill 5277]

STUDENT CHILD CARE IN HIGHER EDUCATION—GRANTS

AN ACT Relating to child care grants for state institutions of higher education; and adding a new chapter to Title 28B RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. Two Washington accounts for student child care in higher education are established. The higher education coordinating board and the state board for community and technical colleges shall administer the programs. Through these programs the boards may award on a competitive basis child care grants to state institutions of higher education to encourage programs to address the need for high quality accessible, and affordable child care for students at higher education institutions. The university or college administration and student government association, or its equivalent, of each institution receiving the award shall contribute financial support in an amount equal to the child care grant received by the institution.

NEW SECTION. Sec. 2. The institution of higher education shall be eligible to receive the grant for a period not exceeding two years. After the expiration of any two-year grant, the institution may reapply to receive subsequent grant awards or a continuation of the grant awarded the prior two years.

NEW SECTION. Sec. 3. The higher education coordinating board shall administer the program for four-year institutions of higher education. The state board for community and technical colleges shall administer the program for community and technical colleges. The higher education coordinating board and the state board for community and technical colleges shall have the following powers and duties in administering each program:

(1) To adopt rules necessary to carry out the program;

(2) To establish one or more review committees to assist in the evaluation of proposals for funding. The review committee shall include but not be limited to individuals from the Washington association for the education of young children, the child care coordinating committee, and the child care resource and referral network;

(3) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. During the 1999-2001 biennium the guidelines shall be consistent with the following desired outcomes of increasing access to child care for students, addressing the demand for infant and toddler care, providing affordable child care alternatives, creating more cooperative preschool programs, creating models that can be replicated at other institutions, creating a partnership between university or college administrations and student government, or its equivalent and increasing efficiency and innovation at campus child care centers;

(4) To establish guidelines for an allocation system based on factors that include but are not limited to: The amount of money available in the trust fund; characteristics of the institutions including the size of the faculty and student body; and the number of child care grants received;

(5) To solicit grant proposals and provide information to the institutions of higher education about the program; and

(6) To establish reporting, evaluation, accountability, monitoring, and dissemination requirements for the recipients of the grants.

NEW SECTION. Sec. 4. Two accounts for student child care in higher education are established in the custody of the state treasurer. Moneys in the accounts may be spent only for the purposes of section 1 of this act. Disbursements from one of the accounts shall be on the authorization of the higher education coordinating board and disbursements from the other account shall be on the authorization of the state board for community and technical colleges. The accounts are subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act constitute a new chapter in Title 28B RCW.

Passed the Senate March 9, 1999.

Passed the House April 24, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 376

[Substitute Senate Bill 5967]

NURSING HOME BED RATIO AND FUNDS

AN ACT Relating to human services; modifying the nursing home certificate of need bed ratio; amending 1999 c . . . (ESSB 5180) s 207 (uncodified); adding new sections to chapter 70.38 RCW; creating a new section; making an appropriation; providing an effective date; providing an expiration date; providing a contingent expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 70.38 RCW to read as follows:

(1) In determining the need for nursing home beds on a state-wide basis and a planning area specific basis, the department shall calculate the need for nursing home beds based on the bed-to-population ratio of forty beds per one thousand persons age sixty-five and older. The department shall find no need for additional nursing home beds if the state is at or above the state-wide estimated bed need, unless the department finds that additional beds are needed in order to be located reasonably close to the people they serve, and the department explains such approval in writing.

(2) The department may put under review and subsequently approve or deny an application that proposes to redistribute nursing home bed capacity to a planning area that has a bed-to-population ratio that is under the established ratio.

(3) The department may put under review and subsequently approve or deny an application that proposes to add beds in a planning area that has a bed-to-population ratio that is under the established ratio using beds banked under the provisions of RCW 70.38.115(13).

(4) The department may not consider applications that would redistribute existing nursing home capacity within a planning area that is above the established bed-to-population ratio.

(5) This section expires June 30, 2004.

NEW SECTION. Sec. 2. A new section is added to chapter 70.38 RCW to read as follows:

(1) The need for projects identified in section 1 of this act shall be determined using the individual planning area's estimated nursing home bed need ratio and includes but is not limited to the following criteria:

- (a) The current capacity of nursing homes and other long-term care services;
- (b) The occupancy rates of nursing homes and other long-term care services over the previous two-year period; and
- (c) The ability of the other long-term care services to serve all people regardless of payor source.

(2) For the purposes of this section, nursing home beds include long-term care units or distinct part long-term care units located in a hospital that is licensed under chapter 70.41 RCW.

Sec. 3. 1999 c . . . (ESSB 5180) s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2000)	\$	((451,758,000)) <u>452,044,000</u>
General Fund—State Appropriation (FY 2001)	\$	((476,187,000)) <u>476,761,000</u>
General Fund—Federal Appropriation	\$	((1,000,701,000)) <u>1,001,629,000</u>
General Fund—Private/Local Appropriation	\$	4,274,000
Health Services Account—State Appropriation	\$	2,104,000
TOTAL APPROPRIATION	\$	((1,935,024,000)) <u>1,936,812,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$2,118,000 of the general fund—federal appropriation, \$923,000 of the general fund—state appropriation for fiscal year 2000, and \$958,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,640,000 of the general fund—state appropriation for fiscal year 2000 and \$1,640,000 of the general fund—state appropriation for fiscal year 2001, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing Engrossed Second Substitute House Bill No. 1484 (nursing home payment rates), the weighted average nursing facility payment rate for fiscal year 2000 shall be no more than \$10.36 for the capital portion of the rate and no more than \$108.20 for the noncapital portion of the rate. For fiscal year ((2000)) 2001, the weighted average nursing facility payment rate shall be no more than \$10.57 for the capital portion of the rate and no more than \$110.91 for the noncapital portion of the rate. These rates include vendor rate increases, but exclude nurse's aide training.

(4) ~~((If Engrossed Second Substitute House Bill No. 1484 is not enacted by June 30, 1999, for purposes of implementing chapter 322, Laws of 1998 (nursing home payment rates), the weighted average nursing home payment rate shall be no more than \$118.39 for fiscal year 2000 and no more than \$120.36 for fiscal year 2001, including vendor rate increases but excluding nurse's aide training. The appropriations in this section include \$69,173,000 for fiscal year 2000 and \$68,123,000 for fiscal year 2001 for the department of social and health services to include a property component, a financing allowance component, and a variable return component in the rate it pays to nursing facilities. By July 1, 1999, the department shall adopt rules on an emergency basis pursuant to RCW 34.05.350 under which each nursing facility contractor shall continue to be paid the property, the financing allowance, and the variable return rate which it was paid on June 30, 1999. Each nursing facility contractor's June 30, 1999, variable return rate shall be increased by 1 percent effective July 1, 1999. Each nursing facility contractor's June 30, 2000 variable return rate shall be increased by 1 percent effective July 1, 2000. With respect to a nursing facility which enters the medicaid program for the first time on or after July 1, 1999, the department shall pay the lesser of (a) the property, the financing allowance, and the variable return rate for which the facility would qualify under chapter 388-96 WAC; or (b) the state-wide average rate for each of those rate components, weighted by medicaid patient days. With respect to a nursing facility which makes a capitalized addition or replacement which requires a certificate of need and which is approved by the department of health on or after July 1, 1999, the department shall pay the lesser of (a) the property, the financing allowance, and the variable return rate for which the facility would qualify under chapter 388-96 WAC; or (b) the state-wide average rate for each of those rate components, weighted by medicaid patient days.))~~ In addition to the rates set forth in subsection (3), \$286,000 of the general fund—state appropriation for fiscal year 2000, \$574,000 of the general fund—state appropriation for fiscal year 2001, and \$928,000 of the general fund—federal appropriation are provided solely for supplemental rate adjustments for certain nursing facilities. In accordance with RCW 74.46.431, the department shall use these funds to apply an additional

economic trends and conditions adjustment factor to the rate of any facility whose total rate allocation would otherwise be less than its April 1, 1999, total rate, adjusted for case-mix changes. This supplemental adjustment factor shall be the percentage by which the facility's April 1, 1999, rate would otherwise exceed the rate calculated in accordance with chapter 74.46 RCW and sub-section (3) of this section, except that (a) no adjustment shall be provided for any amounts by which a facility's rate is lower due to a reduction in its facility-average medicaid case-mix score; and (b) the adjustment factor shall be reduced proportionately for all facilities by the percentage by which total supplemental payments would otherwise exceed the funds provided for such payments in this sub-section.

(5) \$50,000 of the general fund—state appropriation for fiscal year 2000 and \$50,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(6) \$6,264,000 of the general fund—state appropriation for fiscal year 2000, \$13,860,000 of the general fund—state appropriation for fiscal year 2001, and \$21,795,000 of the general fund—federal appropriation are provided solely to increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$6.18 per hour to \$6.68 per hour on July 1, 1999, and to \$7.18 per hour on July 1, 2000. Payments to agency providers are to increase to \$11.97 per hour on July 1, 1999, and to \$12.62 per hour on July 1, 2000. All but 14 cents per hour of the July 1, 1999, increase to agency providers, and all but 15 cents per hour of the additional July 1, 2000, increase is to be used to increase wages for direct care workers. The appropriations in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$200,000 of the general fund—state appropriation for fiscal year 2000, \$80,000 of the general fund—state appropriation for fiscal year 2001, and \$280,000 of the general fund—federal appropriation are provided solely for enhancement and integration of existing management information systems to (a) provide data at the local office level on service utilization, costs, and recipient characteristics; and (b) reduce the staff time devoted to data entry.

(8) The department of social and health services shall provide access and choice to consumers of adult day health services for the purposes of nursing services, physical therapy, occupational therapy, and psychosocial therapy. Adult day health services shall not be considered a duplication of services for persons

receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(9) \$1,452,000 of the general fund—state appropriation for fiscal year 2000, \$1,528,000 of the general fund—state appropriation for fiscal year 2001, and \$2,980,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1546 (in-home care services). If Second Substitute House Bill No. 1546 is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the Senate April 25, 1999.

Passed the House April 25, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 377

[Substitute Senate Bill 5312]

WORKPLACE VIOLENCE—HEALTH CARE SETTINGS

AN ACT Relating to prevention of workplace violence in health care settings; adding a new chapter to Title 49 RCW; creating new sections; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. I. The legislature finds that:

(1) Violence is an escalating problem in many health care settings in this state and across the nation;

(2) Based on an analysis of workers' compensation claims, the department of labor and industries reports that health care employees face the highest rate of workplace violence in Washington state;

(3) The actual incidence of workplace violence in health care settings is likely to be greater than documented because of failure to report or failure to maintain records of incidents that are reported;

(4) Patients, visitors, and health care employees should be assured a reasonably safe and secure environment in health care settings; and

(5) Many health care settings have undertaken efforts to assure that patients, visitors, and employees are safe from violence, but additional personnel training and appropriate safeguards may be needed to prevent workplace violence and minimize the risk and dangers affecting people in health care settings.

NEW SECTION. Sec. 2. For purposes of this chapter:

(1) "Health care setting" means:

(a) Hospitals as defined in RCW 70.41.020;

(b) Home health, hospice, and home care agencies under chapter 70.127 RCW, subject to section 8 of this act;

- (c) Evaluation and treatment facilities as defined in RCW 71.05.020(8); and
- (d) Community mental health programs as defined in RCW 71.24.025(8).
- (2) "Department" means the department of labor and industries.
- (3) "Employee" means an employee as defined in RCW 49.17.020.
- (4) "Violence" or "violent act" means any physical assault or verbal threat of physical assault against an employee of a health care setting.

NEW SECTION. Sec. 3. (1) By July 1, 2000, each health care setting shall develop and implement a plan to reasonably prevent and protect employees from violence at the setting. The plan shall address security considerations related to the following items, as appropriate to the particular setting, based upon the hazards identified in the assessment required under subsection (2) of this section:

- (a) The physical attributes of the health care setting;
- (b) Staffing, including security staffing;
- (c) Personnel policies;
- (d) First aid and emergency procedures;
- (e) The reporting of violent acts; and
- (f) Employee education and training.

(2) Before the development of the plan required under subsection (1) of this section, each health care setting shall conduct a security and safety assessment to identify existing or potential hazards for violence and determine the appropriate preventive action to be taken. The assessment shall include, but is not limited to, a measure of the frequency of, and an identification of the causes for and consequences of, violent acts at the setting during at least the preceding five years or for the years records are available for assessments involving home health, hospice, and home care agencies.

(3) In developing the plan required by subsection (1) of this section, the health care setting may consider any guidelines on violence in the workplace or in health care settings issued by the department of health, the department of social and health services, the department of labor and industries, the federal occupational safety and health administration, medicare, and health care setting accrediting organizations.

NEW SECTION. Sec. 4. By July 1, 2001, and on a regular basis thereafter, as set forth in the plan developed under section 3 of this act, each health care setting shall provide violence prevention training to all its affected employees as determined by the plan. The training shall occur within ninety days of the employee's initial hiring date unless he or she is a temporary employee. For temporary employees, training would take into account unique circumstances. The training may vary by the plan and may include, but is not limited to, classes, videotapes, brochures, verbal training, or other verbal or written training that is determined to be appropriate under the plan. The training shall address the following topics, as appropriate to the particular setting and to the duties and responsibilities of the particular employee being trained, based upon the hazards identified in the assessment required under section 3 of this act:

- (1) General safety procedures;

- (2) Personal safety procedures;
- (3) The violence escalation cycle;
- (4) Violence-predicting factors;
- (5) Obtaining patient history from a patient with violent behavior;
- (6) Verbal and physical techniques to de-escalate and minimize violent behavior;
- (7) Strategies to avoid physical harm;
- (8) Restraining techniques;
- (9) Appropriate use of medications as chemical restraints;
- (10) Documenting and reporting incidents;
- (11) The process whereby employees affected by a violent act may debrief;
- (12) Any resources available to employees for coping with violence; and
- (13) The health care setting's workplace violence prevention plan.

NEW SECTION. Sec. 5. Beginning no later than July 1, 2000, each health care setting shall keep a record of any violent act against an employee, a patient, or a visitor occurring at the setting. At a minimum, the record shall include:

- (1) The health care setting's name and address;
- (2) The date, time, and specific location at the health care setting where the act occurred;
- (3) The name, job title, department or ward assignment, and staff identification or social security number of the victim if an employee;
- (4) A description of the person against whom the act was committed as:
 - (a) A patient;
 - (b) A visitor;
 - (c) An employee; or
 - (d) Other;
- (5) A description of the person committing the act as:
 - (a) A patient;
 - (b) A visitor;
 - (c) An employee; or
 - (d) Other;
- (6) A description of the type of violent act as a:
 - (a) Threat of assault with no physical contact;
 - (b) Physical assault with contact but no physical injury;
 - (c) Physical assault with mild soreness, surface abrasions, scratches, or small bruises;
 - (d) Physical assault with major soreness, cuts, or large bruises;
 - (e) Physical assault with severe lacerations, a bone fracture, or a head injury;
- or
- (f) Physical assault with loss of limb or death;
- (7) An identification of any body part injured;
- (8) A description of any weapon used;
- (9) The number of employees in the vicinity of the act when it occurred; and

(10) A description of actions taken by employees and the health care setting in response to the act. Each record shall be kept for at least five years following the act reported, during which time it shall be available for inspection by the department upon request.

NEW SECTION. Sec. 6. Failure of a health care setting to comply with this chapter shall subject the setting to citation under chapter 49.17 RCW.

NEW SECTION. Sec. 7. A health care setting needing assistance to comply with this chapter may contact the federal department of labor or the state department of labor and industries for assistance. The state departments of labor and industries, social and health services, and health shall collaborate with representatives of health care settings to develop technical assistance and training seminars on plan development and implementation, and shall coordinate their assistance to health care settings.

NEW SECTION. Sec. 8. It is the intent of the legislature that any violence protection and prevention plan developed under this chapter be appropriate to the setting in which it is to be implemented. To that end, the legislature recognizes that not all professional health care is provided in a facility or other formal setting, such as a hospital. Many services are provided by home health, hospice, and home care agencies. The legislature finds that it is inappropriate and impractical for these agencies to address workplace violence in the same manner as other, facility-based, health care settings. When enforcing this chapter as to home health, hospice, and home care agencies, the department shall allow agencies sufficient flexibility in recognition of the unique circumstances in which these agencies deliver services.

NEW SECTION. Sec. 9. (1) State hospitals, as defined in RCW 72.23.010, shall comply with all the requirements of sections 1 through 3 and 5 through 8 of this act.

(2) By July 1, 2001, and on a regular basis thereafter, as set forth in the plan developed under section 3 of this act, each state hospital shall provide violence prevention training to all its affected employees as determined by the plan. Each employee shall receive violence prevention training prior to providing patient care, in addition to his or her ongoing training as determined by the plan. The training may vary by the plan and may include, but is not limited to, classes, videotapes, brochures, verbal training, or other verbal or written training that is determined to be appropriate under the plan. The training shall address the topics provided in section 4 of this act, as appropriate to the particular setting and to the duties and responsibilities of the particular employee being trained, based upon the hazards identified in the assessment required under section 3 of this act.

NEW SECTION. Sec. 10. If specific funding for purposes of section 9 of this act, referencing this act by bill and section number or chapter and section number, is not provided by June 30, 1999, in the omnibus appropriations act, section 9 of this act is null and void.

NEW SECTION. Sec. 11. Sections 2 through 8 of this act constitute a new chapter in Title 49 RCW.

Passed the Senate April 22, 1999.

Passed the House April 15, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 378

[Senate Bill 5628]

CERTIFIED PUBLIC ACCOUNTANTS—CONTINUING EDUCATION AND LICENSING

AN ACT Relating to uniform continuing professional education requirement and licensing requirements for certified public accountants; and amending RCW 18.04.025, 18.04.105, 18.04.183, 18.04.185, 18.04.195, 18.04.205, 18.04.215, and 18.04.345.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 18.04.025 and 1994 c 211 s 1401 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of accountancy created by RCW 18.04.035.

(2) "Certified public accountant" or "CPA" means a person holding a certified public accountant certificate.

(3) "State" includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

(4) "Reports on financial statements" means any reports or opinions prepared by certified public accountants, based on services performed in accordance with generally accepted auditing standards, standards for attestation engagements, or standards for accounting and review services as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

(5) The "practice of public accounting" means performing or offering to perform by a person or firm holding itself out to the public as a licensee, for a client or potential client, one or more kinds of services involving the use of accounting or auditing skills, including the issuance of "audit reports," "review reports," or "compilation reports" on financial statements, or one or more kinds of management advisory, or consulting services, or the preparation of tax returns, or the furnishing of advice on tax matters. The "practice of public accounting" shall not include practices that are permitted under the provisions of RCW 18.04.350(6) by persons or firms not required to be licensed under this chapter.

(6) "Firm" means a sole proprietorship, a corporation, or a partnership. "Firm" also means a limited liability company formed under chapter 25.15 RCW.

(7) "CPE" means continuing professional education.

(8) "Certificate" means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state or foreign jurisdiction that is recognized in accordance with the reciprocity provisions of RCW 18.04.180 and 18.04.183.

(9) "Licensee" means the holder of a valid license issued under this chapter.

(10) "License" means a ((~~biennial~~)) license to practice public accountancy issued to an individual or firm under this chapter.

(11) "Quality assurance review" means a process established by and conducted at the direction of the board of study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

(12) "Quality review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed, including a peer review, or any internal review or inspection intended to comply with quality control policies and procedures, but not including the "quality assurance review" under subsection (11) of this section.

(13) "Review committee" means any person carrying out, administering or overseeing a quality review authorized by the reviewee.

(14) "Rule" means any rule adopted by the board under authority of this chapter.

(15) "Holding out" means any representation to the public by the use of restricted titles as set forth in RCW 18.04.345 by a person or firm that the person or firm is a certified public accountant and that the person or firm offers to perform any professional services to the public as a certified public accountant. "Holding out" shall not affect or limit a person not required to hold a certificate under this chapter or a person or firm not required to hold a license under this chapter from engaging in practices identified in RCW 18.04.350(6).

Sec. 2. RCW 18.04.105 and 1992 c 103 s 7 are each amended to read as follows:

(1) The certificate of "certified public accountant" shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a certified public accountant and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met the educational standards established by rule as the board determines to be appropriate;

The board may, in its discretion, waive the educational requirements for any person if it is satisfied through review of documentation of successful completion of an equivalency examination that the person's educational qualifications are an acceptable substitute for the requirements of (b) of this subsection; and

(c) Who has passed a written examination.

(2) The examination described in subsection (1)(c) of this section shall be in writing, shall be held twice a year, and shall test the applicant's knowledge of the subjects of accounting and auditing, and other related fields the board may specify by rule. The time for holding the examination is fixed by the board and may be changed from time to time. The board shall prescribe by rule the methods of applying for and taking the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate. The board shall to the extent possible see to it that the grading of the examination, and the passing grades, are uniform with those applicable to all other states. The board may make use of all or a part of the uniform certified public accountant examination and advisory grading service of the American Institute of Certified Public Accountants and may contract with third parties to perform administrative services with respect to the examination as the board deems appropriate to assist it in performing its duties under this chapter.

(3) An applicant is required to pass all sections of the examination provided for in subsection (2) of this section in order to qualify for a certificate. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that he or she passed, and need not take those sections again; PROVIDED, That:

(a) The applicant took all sections of the examination at that sitting;

(b) The applicant attained a minimum grade of fifty on each section not passed at that sitting;

(c) The applicant passes the remaining sections of the examination within six consecutive examinations given after the one at which the first sections were passed;

(d) At each subsequent sitting at which the applicant seeks to pass additional sections, the applicant takes all sections not yet passed; and

(e) In order to receive credit for passing additional sections in a subsequent sitting, the applicant attains a minimum grade of fifty on sections written but not passed on the sitting.

(4) The board may waive or defer any of the requirements of subsection (3) of this section for candidates transferring conditional CPA exam credits from other states or for qualifying reciprocity certification applicants who met the conditioning requirements of the state or foreign jurisdiction issuing their original certificate.

(5) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection (3) of this section for each subject in which the applicant is reexamined. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination.

(6) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(7) A certificate of a "certified public accountant" under this chapter is issued ~~((on a biennial basis))~~ every three years with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(8) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant shall verify to the board that he or she has completed at least an accumulation of ~~((eighty))~~ one hundred twenty hours of continuing professional education during the last ~~((two-year))~~ three-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; ~~((and))~~

(d) Provide that failure to furnish verification of the completion of the continuing professional education requirement shall make the certificate invalid and subject to reinstatement, unless the board determines that the failure was due to retirement, reasonable cause, or excusable neglect; and

(e) Provide for transition from existing to new continuing professional education requirements.

(9) The board may adopt by rule new CPE standards that differ from those in subsection (8) of this section or RCW 18.04.215 if the new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards.

Sec. 3. RCW 18.04.183 and 1992 c 103 s 18 are each amended to read as follows:

The board shall grant a certificate or license as a certified public accountant to a holder of a permit, license, or certificate issued by a foreign country's board, agency, or institute, provided that:

(1) The foreign country where the foreign permit, license, or certificate was issued is a party to an agreement on trade with the United States that encourages the mutual recognition of licensing and certification requirements for the provision of covered services by the parties under the trade agreement; and

(2) Such foreign country's board, agency, or institute makes similar provision to allow a person who holds a valid certificate issued by this state to obtain such foreign country's comparable permit, license, or certificate; and

(3) The foreign permit, license, or certificate:

(a) Was duly issued by such foreign country's board, agency, or institute that regulates the practice of public accountancy; and

(b) Is in good standing at the time of the application; and

(c) Was issued upon the basis of educational, examination, and ethical requirements substantially equivalent currently or at the time of issuance of the foreign permit, license, or certificate to those in this state; and

(4) The applicant has within the ~~((twenty-four))~~ thirty-six months prior to application completed an accumulation of ~~((eighty))~~ one hundred twenty hours of continuing professional education as required under RCW 18.04.105(8). The board shall provide for transition from existing to new continuing professional education requirements; and

(5) If the application is for a certificate:

(a) The applicant's foreign permit, license, or certificate was the type of permit, license, or certificate requiring the most stringent qualifications if, in the foreign country, more than one type of permit, license, or certificate is issued. This state's board shall decide which are the most stringent qualifications; and

(b) The applicant has passed a written examination or its equivalent, approved by the board, that tests knowledge in the areas of United States accounting principles, auditing standards, commercial law, income tax law, and Washington state rules of professional ethics; or

(6) If the application is for a certificate and license:

(a) The requirements of subsections (1) through (5) of this section are satisfied; and

(b) The applicant has within the five years prior to applying for the certificate and license under this section, demonstrated, in accordance with the rules issued by the board, one year of public accounting experience, within the foreign country where the foreign permit, license, or certificate was issued, equivalent to the experience required under RCW 18.04.215(1)(a) or such other experience or employment which the board in its discretion regards as substantially equivalent.

The board may adopt by rule new CPE standards that differ from those in subsection (4) of this section or RCW 18.04.215 if the new standards are consistent with the continuing professional education standards of other states so as to provide to the greatest extent possible, consistent national standards.

Sec. 4. RCW 18.04.185 and 1986 c 295 s 7 are each amended to read as follows:

(1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

(2) Application for a (~~biennial~~) license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the (~~biennial~~) license to practice.

Sec. 5. RCW 18.04.195 and 1994 c 211 s 1402 are each amended to read as follows:

(1) A sole proprietorship engaged in this state in the practice of public accounting shall license (~~biennially~~) every three years with the board as a firm.

(a) The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.

(b) The person shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(c) Each resident licensee in charge of an office of the sole proprietorship engaged in this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(2) A partnership engaged in this state in the practice of public accounting shall license (~~biennially~~) every three years with the board as a partnership of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one general partner of the partnership shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(c) Each resident licensee in charge of an office of the partnership in this state and each resident partner personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(3) A corporation organized for the practice of public accounting and engaged in this state in the practice of public accounting shall license (~~biennially~~) every three years with the board as a corporation of certified public accountants and shall meet the following requirements:

(a) The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and

(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a license to practice and shall be principally employed by the corporation or actively engaged in its business. No other person may have any interest in the stock of the corporation. The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation shall be a certified public accountant of some state holding a license to practice;

(c) At least one shareholder of the corporation shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(d) Each resident licensee in charge of an office of the corporation in this state and each shareholder or director personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(e) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; and

(f) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe.

(4) A limited liability company engaged in this state in the practice of public accounting shall license ~~((biennially))~~ every three years with the board as a limited liability company of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the limited liability company shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one manager of the limited liability company shall be a certified public accountant holding a license to practice under RCW 18.04.215;

(c) Each resident manager or member in charge of an office of the limited liability company in this state and each resident manager or member personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(5) Application for a license as a firm shall be made upon the affidavit of the proprietor or person designated as managing partner or shareholder for Washington. This person shall be a certified public accountant holding a license to practice under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for a license. A partnership or corporation which is licensed to practice under RCW 18.04.215 may use the designation "certified public accountants" or "CPAs" in connection with its partnership or corporate name. The board shall be given notification within ninety days after the admission

or withdrawal of a partner or shareholder engaged in this state in the practice of public accounting from any partnership or corporation so licensed.

(6) Fees for the license as a firm and for notification of the board of the admission or withdrawal of a partner or shareholder shall be determined by the board. Fees shall be paid by the firm at the time the license application form or notice of admission or withdrawal of a partner or shareholder is filed with the board.

Sec. 6. RCW 18.04.205 and 1992 c 103 s 9 are each amended to read as follows:

(1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the board under this chapter (~~(biennially)~~) every three years.

(2) Each office shall be under the direct supervision of a resident licensee holding a license under RCW 18.04.215 who may be a sole proprietor, partner, principal shareholder, or a staff employee.

(3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

(4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

Sec. 7. RCW 18.04.215 and 1992 c 103 s 10 are each amended to read as follows:

(1) (~~(Biennial)~~) Three-year licenses shall be issued by the board:

(a) To holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent and who, if their certificate was issued more than forty-eight months prior to application under this section, submit to the board satisfactory proof of having completed an accumulation of (~~(eighty)~~) one hundred twenty hours of continuing professional education during the (~~(twenty-four)~~) thirty-six months preceding the application;

(b) To firms under RCW 18.04.195, if all offices of the firm in this state are maintained and registered as required under RCW 18.04.205.

(2) The board shall, by rule, provide for a system of certificate and license renewal. Applicants for issuance or renewal of certificates or licenses shall, at the time of filing their applications, list with the board all states and foreign jurisdictions in which they hold or have applied for certificates, permits or licenses to practice.

(3) A certified public accountant who holds a permit or license issued by another state, and applies for a license in this state, may practice in this state from the date of filing a completed application with the board, until the board has acted upon the application provided the application is made prior to holding out as a

certified public accountant in this state and no sanctions or investigations, deemed by the board to be pertinent to public accountancy, by other jurisdictions or agencies are in process.

(4) A certified public accountant shall submit to the board satisfactory proof of having completed an accumulation of ~~((eighty))~~ one hundred twenty hours of continuing education recognized and approved by the board during the preceding ~~((two))~~ three years. Failure to furnish this evidence as required shall make the certificate invalid and subject to reinstatement procedures, unless the board determines the failure to have been due to retirement, reasonable cause, or excusable neglect.

The board in its discretion may renew a certificate or license despite failure to furnish evidence of compliance with requirements of continuing professional education upon condition that the applicant follow a particular program of continuing professional education. In issuing rules and individual orders with respect to continuing professional education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and may take into account the accessibility of continuing education to applicants and instances of individual hardship.

(5) Fees for issuance or renewal of certificates and licenses in this state shall be determined by the board under chapter 18.04 RCW. Fees shall be paid by the applicant at the time the application form is filed with the board. The board, by rule, may provide for proration of fees for certificates and licenses issued between normal renewal dates.

Sec. 8. RCW 18.04.345 and 1992 c 103 s 14 are each amended to read as follows:

(1) No person may assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person holds a valid certificate as a certified public accountant.

(2) No person may hold himself or herself out to the public and assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or ~~((devise {device}))~~ device tending to indicate that the person is a certified public accountant or CPA unless the person holds a valid certificate as a certified public accountant and holds a valid license to practice under RCW 18.04.215.

(3) No firm may hold itself out to the public, or assume or use the designation "certified public accountant" or "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants or CPAs, unless the firm is licensed under RCW 18.04.195, holds a valid license to practice under RCW 18.04.215, and all offices of the firm in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(4) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation "certified accountant," "chartered accountant," "licensed accountant," "licensed public accountant," "public accountant," or any other title or designation likely to be confused with "certified public accountant" or any of the abbreviations "CA," "LA," "LPA," or "PA," or similar abbreviations likely to be confused with "CPA." However, nothing in this chapter prohibits use of the title "accountant" by any person regardless of whether the person has been granted a certificate or holds a license under this chapter.

(5) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an "audit," "review," or "compilation," unless the person holds a ((biennial)) license to practice under RCW 18.04.215 and all of the person's offices in this state for the practice of public accounting are maintained and licensed under RCW 18.04.205.

(6) No person may sign, affix, or associate a firm name to any report designated as an "audit," "review," or "compilation," unless the firm is licensed under RCW 18.04.195 and 18.04.215, and all of its offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(7) No person, partnership, or corporation not holding a license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an "auditor" with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

(8) No person may assume or use the designation "certified public accountant" or "CPA" in conjunction with names indicating or implying that there is a partnership or corporation, if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation "and Associates" or "and Assoc." unless he or she has in fact a partner or employee who holds a license under RCW 18.04.215.

Passed the Senate April 21, 1999.

Passed the House April 7, 1999.

Approved by the Governor May 17, 1999.

Filed in Office of Secretary of State May 17, 1999.

CHAPTER 379

[Substitute House Bill 1165]

CAPITAL BUDGET

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.98A.040, 43.98A.060, 43.98A.070, 43.98A.050, and 43.98A.050; amending 1999 c . . . (SHB 1165) ss 112, 139, 144, 148, 162, 267, 331, 393, 503, 639, 640, 769, 798, 817, 821, 822, and 923 (uncodified); adding a new section to chapter 43.83B RCW;

adding new sections to 1999 c . . . (SHB 1165); adding a new section to 1999 c . . . (ESSB 5180); creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2001, out of the several funds specified in this act.

NEW SECTION. Sec. 2. Numbers in parentheses refer to project identifier codes established by the office of financial management. For projects with two identifier codes, the first identifier code refers to the reappropriation and the second identifier code refers to the new appropriation.

**PART 1
GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE COURT OF APPEALS

Division II Court and Office: Renovation (00-1-001)

Appropriation:

State Building Construction Account—State	\$	2,400,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,400,000

NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE

Northwest Washington Regional Archives: HVAC system upgrade and balancing (00-1-001)

Appropriation:

State Building Construction Account—State	\$	70,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	70,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF THE SECRETARY OF STATE

Tumwater Records Center: Expansion (00-2-001)

Appropriation:

State Building Construction Account—State	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,550,000
TOTAL	\$	2,800,000

NEW SECTION. Sec. 104. FOR THE OFFICE OF THE SECRETARY OF STATE

Puget Sound Archives Building (94-2-003)

Reappropriation:

State Building Construction Account—State	\$	200,000
Prior Biennia (Expenditures)	\$	6,540,125
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	6,740,125

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE SECRETARY OF STATE

Birch Bay Records Storage: Asbestos Abatement (94-1-002)

Reappropriation:

State Building Construction Account—State	\$	89,355
Prior Biennia (Expenditures)	\$	110,645
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	200,000

NEW SECTION. Sec. 106. FOR THE OFFICE OF THE SECRETARY OF STATE

Eastern Branch Archives Building: Design (98-2-001)

The reappropriation in this section is provided solely for completion of the design phase for the eastern regional archives facility to be sited on the south campus of the Riverpoint higher education park in Spokane.

Reappropriation:

State Building Construction Account—State	\$	48,645
Prior Biennia (Expenditures)	\$	530,972
Future Biennia (Projected Costs)	\$	<u>5,135,000</u>
TOTAL	\$	5,714,617

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization (86-1-001) (00-2-001)

The reappropriation in this section from the public facilities construction loan revolving account is subject to the following conditions and limitations:

(1) The department shall ensure that all funds transferred from the public works assistance account into the public facilities construction loan revolving account during the 1997-99 biennium are used only for loans to local governments.

(2) The department shall also ensure that all principal and interest payments from these loans are paid into the public works assistance account.

(3) The new appropriation from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments and grants to the extent permitted by law. The department shall ensure that all principal

and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

Public Works Assistance Account—State	\$	1,539,515
Public Facility Construction Loan Revolving Account—State	\$	<u>9,500,000</u>
Subtotal Reappropriation	\$	11,539,515

Appropriation:

Public Facility Construction Loan Revolving Account—State	\$	13,000,000
Prior Biennia (Expenditures)	\$	559,003
Future Biennia (Projected Costs)	\$	<u>36,000,000</u>
TOTAL	\$	60,598,518

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

County Public Facility Construction (00-2-010)

The appropriations in this section shall be used solely for financial assistance to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county. The entire appropriation from the state building construction account shall be provided as a grant to support the Grays Harbor water system project.

Appropriation:

Distressed County Facilities Construction Loan Account—State	\$	4,000,000
State Building Construction Account—State	\$	<u>3,500,000</u>
Subtotal Appropriation	\$	7,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>16,000,000</u>
TOTAL	\$	23,500,000

***NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Burke Museum Governance and Siting Study

The appropriation in this section is subject to the following condition and limitation:

Funds are provided for a study of the governance of the Burke museum and for an examination of the potential expansion of the museum facility including siting issues. The study shall be facilitated by the department. The study members shall include representatives from the University of Washington, the department of community, trade, and economic development's tourism and

economic development units, the executive director of the Washington state historical society, the city of Seattle, King county, and members of the community and businesses from various geographic regions of the state. The department shall provide a report to the legislature by June 30, 2001, outlining funding strategies for an expanded state natural history museum which recognizes the limited state resources for capital facilities programmatic enhancements, and outlines alternative funding resources and partners.

Appropriation:

University of Washington Building	
Account—State	\$ 350,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 350,000

*Sec. 109 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (94-2-001) (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$10,000,000 of the new appropriation in this section is provided solely for the preconstruction program as set forth in RCW 43.155.068.
- (2) \$2,000,000 of the new appropriation in this section is for the emergency loan program as set forth in RCW 43.155.065.

Reappropriation:

Public Works Assistance Account—State	\$ 179,446,108
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Appropriation:

Public Works Assistance Account—State	\$ 203,150,000
Prior Biennia (Expenditures)	\$ 68,904,717
Future Biennia (Projected Costs)	\$ 852,600,000
TOTAL	\$ 1,304,100,825

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (88-5-015) (00-2-003)

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$5,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) \$1,800,000 of the reappropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$1,000,000 of the new appropriation from the state building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

Reappropriation:

State Building Construction Account—State	\$ 22,000,000
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Appropriation:

State Building Construction Account—State	\$ 57,500,000
Washington Housing Trust Account—State	\$ 4,300,000
Subtotal Appropriation	\$ 61,800,000
Prior Biennia (Expenditures)	\$ 43,790,503
Future Biennia (Projected Costs)	\$ 200,000,000
TOTAL	\$ 327,590,503

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Development Loan Fund (88-2-006) (00-2-004)

Reappropriation:

State Building Construction Account—State	\$ 558,716
Washington State Development Loan Account—State	\$ 2,439,932
Subtotal Reappropriation	\$ 2,998,648

Appropriation:

Washington State Development Loan Account—State	\$ 3,500,000
Prior Biennia (Expenditures)	\$ 805,237
Future Biennia (Projected Costs)	\$ 18,000,000
TOTAL	\$ 25,303,885

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts (92-5-100) (00-2-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Location	Recommendation
Projects Previously Approved	
Columbia Theatre (Phase II), Longview	\$75,000
Mt. Baker Theatre (Phase II), Bellingham	\$137,000

People's Lodge, Seattle	\$256,000
Seattle Symphony, Seattle	\$1,600,000
New Projects	
Arts West, Seattle	\$262,000
Bellevue Art Museum, Bellevue	\$1,250,000
Chewelah Com. Celebrations, Chewelah	\$6,500
Children's Museum/Spokane, Spokane	\$62,000
Columbia Point (Phase II), Richland	\$428,000
Everett Theatre, Everett	\$91,000
Filipino-American Community Hall, Bainbridge Island	\$32,000
Gladish Center, Pullman	\$36,000
Harlequin Productions, Olympia	\$170,000
Harrington Opera House, Harrington	\$35,000
Icicle Creek Music Center, Leavenworth	\$54,000
Intiman Theatre, Seattle	\$380,000
International Glass Museum, Tacoma	\$750,000
Kirkland Arts Center, Kirkland	\$9,900
Knutzen Theatre, Federal Way	\$413,000
Maple Hall, La Conner	\$135,000
Nisqually Cultural Museum, Olympia	\$2,400
Pottery Northwest, Seattle	\$298,000
Richard Hugo House, Seattle	\$50,000
Spokane Civic Theatre, Spokane	\$69,000
Tacoma Art Museum, Tacoma	\$1,250,000
West Olympic Council/Arts, Forks	\$18,000
Total All Projects	\$7,869,800

(2) State grants shall not exceed fifteen percent of either the estimated total capital cost or actual capital cost of a project, whichever is less. The remaining portions of the project capital costs shall be a match from nonstate sources. The match may include cash and land value. The department is authorized to set matching requirements for individual projects.

(3) State grants shall be distributed in the order in which matching requirements are met. The department may fund projects that demonstrate adequate progress and have secured the necessary match funding. The recommendations for funding in this section do not imply a commitment on the part of the state. Those projects listed in subsection (1) of this section that do not receive funding from the appropriation in this section are required to recompile for future funding.

(4) By December 15, 1999, the department shall submit a report to the appropriate fiscal committees of the legislature on the progress of the building for the arts program, including a list of projects funded under this section.

Reappropriation:

State Building Construction Account—State	\$ 3,099,519
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Appropriation:

State Building Construction Account—State	\$ 5,600,000
Prior Biennia (Expenditures)	\$ 4,444,375
Future Biennia (Projected Costs)	\$ 16,000,000
TOTAL	\$ 29,143,894

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (98-2-007) (00-2-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than twenty-five percent of either the estimated total capital cost or actual total capital cost, whichever is less. The remaining portion of the project capital cost shall be a match from nonstate sources and may include cash, land value, and other in-kind contributions.

(2) \$1,500,000 is provided for development, renovation, and expansion of boys and girls clubs in Washington.

Reappropriation:

State Building Construction Account—State	\$ 1,416,470
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Appropriation:

State Building Construction Account—State	\$ 4,000,000
Prior Biennia (Expenditures)	\$ 3,022,997
Future Biennia (Projected Costs)	\$ 16,000,000
TOTAL	\$ 24,439,467

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (98-2-008) (00-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding from the state shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2000, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Reappropriation:

Drinking Water Assistance Account—State	\$ 9,058,862
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Appropriation:

Drinking Water Assistance Account—State	\$ 7,700,000
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Prior Biennia (Expenditures)	\$	890,138
Future Biennia (Projected Costs)	\$	<u>20,000,000</u>
TOTAL	\$	37,649,000

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing for Homeless Families With Children Program (00-2-009)

The appropriation in this section is provided solely for the development of additional emergency shelters and transitional housing opportunities for homeless families with children. The department shall endeavor to minimize the amount of these funds that are utilized for staff and administrative purposes.

Appropriation:

State Building Construction Account—State	\$	5,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>20,000,000</u>
TOTAL	\$	25,000,000

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Farm Worker Housing Assistance (00-2-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for low-income farmworker housing and low-income temporary farmworker facilities.

(2) \$2,000,000 of the appropriation is provided for land acquisition in areas that would facilitate development of low-income farmworker housing and facilities.

(3) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342.

(4) The department shall endeavor to minimize the amount of these funds that are utilized for staff and administrative purposes.

(5) By December 15, 1999, the department shall submit a report to the appropriate committees of the legislature on the progress of the development of housing for farmworkers, including a list of projects funded under this section.

(6) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

(7) Except as directed in subsection (2) of this section, funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Appropriation:

State Building Construction Account—State	\$	8,000,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	32,000,000
TOTAL	\$	40,000,000

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Seventh Street Theatre (90-2-008)

Reappropriation:

State Building Construction Account—State	\$	123,984
Prior Biennia (Expenditures)	\$	6,016
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	130,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Snohomish County Drainage (92-2-011)

The reappropriation in this section shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Reappropriation:

State Building Construction Account—State	\$	344,829
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	344,829

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Challenger Learning Center (93-5-006)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is provided solely for support of science education at the Challenger learning center at the museum of flight; and
- (2) Each dollar expended from the reappropriation in this section shall be matched by at least one dollar from nonstate sources for the same purpose.

Reappropriation:

State Building Construction Account—State	\$	61,673
Prior Biennia (Expenditures)	\$	258,639
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	320,312

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Washington Technology Center: Equipment (94-2-002)

The reappropriation in this section is provided solely for equipment installation on the first floor of Fluke Hall. The reappropriation shall be transferred and administered by the University of Washington.

Reappropriation:

State Building Construction Account—State	\$	9,435
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	9,435

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Olympic Peninsula Natural History Museum (94-2-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Each two dollars expended from this reappropriation shall be matched by at least one dollar from other sources. The match may include cash, land, and in-kind donations.

(2) It is the intent of the legislature that this reappropriation represents a one-time grant for this project.

Reappropriation:

State Building Construction Account—State	\$	164,827
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	164,827

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Thorp Grist Mill (94-2-007)

The total state funding in this section shall be matched by at least \$47,500 from nonstate and nonfederal sources. The match may include cash or in-kind contributions. The department shall assist the Thorp Mill town historical preservation society in soliciting moneys from the intermodal surface transportation efficiency act to support the project.

Reappropriation:

State Building Construction Account—State	\$	23,425
Prior Biennia (Expenditures)	\$	39,449
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	62,874

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Daybreak Star Center (94-2-100)

Reappropriation:

State Building Construction Account—State	\$	155,274
Prior Biennia (Expenditures)	\$	514,416
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	669,690

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Timber Ports Capital Asset Improvement (94-2-102)

The appropriation in this section is provided to continue assisting the ports of Grays Harbor, Port Angeles, and Longview with infrastructure development and facilities improvements to increase economic diversity and enhance employment opportunities. The reappropriation is subject to the following conditions and limitations:

(1) Each port shall provide, at a minimum, six dollars of nonstate match for every five dollars received from the reappropriation. The match may include cash and land value.

(2) State assistance to each port shall not exceed the following amounts:

Port	Amount
Grays Harbor	\$ 564,000
Port Angeles	\$1,500,000
Longview	\$1,855,000

Reappropriation:

State Building Construction Account—State	\$	941,479
Prior Biennia (Expenditures)	\$	1,359,689
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,301,168

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Mirabeau Point Community Complex (98-2-010)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The amount is provided solely for a grant to Spokane county for design and development costs for Mirabeau Point community complex.

(2) The amount represents the entire state contribution to the project and shall be matched by \$8,500,000 in contributions toward the project from nonstate sources.

Reappropriation:

State Building Construction Account—State	\$	1,206,437
Prior Biennia (Expenditures)	\$	293,563
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 1,500,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Infrastructure Needs Assessment (99-2-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The public works board, "board", in consultation with the department of community, trade, and economic development, shall contract for a local government infrastructure needs assessment. The board shall issue a progress report to the governor, house of representatives capital budget committee, the senate ways and means committee, the joint legislative transportation committee, the house of representative government administration committee, and the senate government operations committee by January 31, 1999. The final report shall be delivered by June 30, 1999.

(2) The infrastructure needs assessment shall use local capital improvement plans, to the extent available, to identify local government infrastructure needs for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvements necessary for the next six years. The definitions and principles to be used in determining infrastructure needs shall be those set forth in chapter 36.70A RCW, including economic development. The infrastructure assessment shall also include a listing, description and evaluation of utilization of all private and public financing options, and policy alternatives that would assist in meeting local government infrastructure needs. For the purpose of this infrastructure needs assessment:

(a) Local government shall include each city, town, and each water, sewer, storm water, and public utility district providing water or sewer services in the state of Washington.

(b) Infrastructure shall be limited to bridges, roadways, domestic water, sanitary sewer, and storm water systems.

(3) The board shall contract for the collection and review of local capital expenditure data, the evaluation of local government infrastructure needs, the projection of future infrastructure needs, including needs to meet requirements under chapter 36.70A RCW. The board shall also contract for the development of criteria for a data base which can be maintained and updated, and such other matters as the board may deem necessary to provide an adequate representation of local capital needs and the ability of local governments to finance such needs.

(4) The legislative evaluation and accountability program shall cooperate with the department in the completion of the infrastructure needs assessment and may enter into interagency agreements. The legislative evaluation and accountability program shall develop the structure of the local government infrastructure data base and provide recommendations on the maintenance of the data base. The data base shall: Use the data compiled by and be compatible with that developed by the board's contractor; and have a structure to maintain its future use and update.

The department shall provide a compilation of all capital improvement plans prepared by local governments. The department shall identify: Federal, state, and local infrastructure financing sources currently in use; all revenue sources available, but fully utilized by each local government, and obstacles to full utilization; and the compilation of local government expenditures for infrastructure investments by source of funds and by jurisdiction for the period beginning January 1, 1993, and ending December 31, 1997, for local governments with a population greater than fifty thousand; and January 1, 1995, and ending December 31, 1997, for local governments with fewer than fifty thousand population.

(5) The board shall convene an advisory committee of stakeholders to include representatives from the department of community, trade, and economic development, the office of financial management, the legislative evaluation and accountability program, the association of Washington cities, the Washington association of realtors, the national association of industrial office properties, the building industry association of Washington, the associated general contractors, the association of Washington business, Washington state building and construction trades council, and 1000 friends of Washington. The board may, as it deems necessary, utilize technical advisory groups or state agencies in addition to the advisory committee to assist itself in implementing this proviso.

The advisory committee shall serve assist the board in guiding the infrastructure assessment and in developing interpretation of this proviso as necessary. The committee shall establish criteria and categorize infrastructure projects as necessary to meet the requirements set forth in chapter 36.70A RCW, or as reflective of other community priorities, and review elements and standards of infrastructure needs identified in the study.

Reappropriation:

Public Works Assistance Account—State	\$	50,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>50,000</u>

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Emergency Flood and Erosion Repairs (99-2-009)

The reappropriation in this section is provided solely to continue shoreline repairs at Ocean Shores to prevent further erosion and flood control.

Reappropriation:

State Building Construction Account—State	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>150,000</u>

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor Dredging (88-2-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the state's share of remaining cost for Grays Harbor dredging and associated mitigation.

(2) State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(3) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the port of Grays Harbor and the army corps of engineers pursuant to P.L. 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by the federal act.

(4) In the event the project cost is reduced, any resulting reduction and reimbursement of nonfederal costs realized by the port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Cedar River Dredging

The appropriation in this section is provided solely for a grant to the city of Renton for dredging the Cedar river where it enters Lake Washington.

Appropriation:

State Building Construction Account—State	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,500,000

NEW SECTION. Sec. 131. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Underground Storage Tank: Pool (00-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal, replacement, and environmental cleanup projects related to underground storage tanks.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project. Projects to replace tanks shall conform with guidelines to minimize risk of environmental contamination. Above ground storage tanks shall be used whenever possible and agencies shall avoid duplication of tanks.

(3) Funds not needed for the purposes identified in this section may be transferred for expenditure to the Year 2000 Building, Facility, and Equipment Date Conversion project in section 135 of this act.

Appropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	8,000,000
TOTAL	\$	10,000,000

NEW SECTION. Sec. 132. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Hazardous Materials: Pool (00-1-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be allocated to agencies and institutions for removal or abatement of asbestos and other hazardous materials.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Appropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	8,000,000
TOTAL	\$	10,000,000

NEW SECTION. Sec. 133. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Budget System Improvements (00-1-004)

Appropriation:

State Building Construction Account—State	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,200,000
TOTAL	\$	1,500,000

NEW SECTION. Sec. 134. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Colocated Cascadia Branch Campus (94-1-003)

Reappropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	15,421,888
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	17,421,888

NEW SECTION. Sec. 135. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Year 2000 Building, Facility, and Equipment Date Conversion (99-1-001)

The office of financial management shall allocate appropriations to be used by state agencies and universities in performing Year 2000 assessments of facility management systems, control systems, and other computer systems related to capital facilities and equipment. Funds available in this appropriation may also be allocated for corrective measures on a priority basis to address critical system repairs.

Reappropriation:

State Building Construction Account—State	\$	500,000
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Appropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,500,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Emergency and Small Repairs (00-1-002)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Capitol Building Construction Account—State	\$	100,000
State Building Construction Account—State	\$	125,000
Thurston County Capital Facilities Account—State	\$	775,000
Subtotal Appropriation	\$	1,000,000
Prior Biennia (Expenditures)	\$	2,076,473
Future Biennia (Projected Costs)	\$	6,200,000
TOTAL	\$	9,276,473

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus Facilities: Preservation (00-1-003)

The appropriations shall support the detailed list of projects maintained by the office of financial management. Funding in this section may be spent for interior and exterior building repairs and upgrades to the governor's mansion.

Appropriation:

Capitol Building Construction Account—State	\$	1,350,000
State Building Construction Account—State	\$	2,850,000
Thurston County Capital Facilities Account—		
State	\$	<u>1,940,000</u>
Subtotal Appropriation	\$	6,140,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>24,335,000</u>
TOTAL	\$	30,475,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Building: Preservation (00-1-004)

Appropriation:

State Building Construction Account—State	\$	2,275,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>5,900,000</u>
TOTAL	\$	8,175,000

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Alaska Street Building: Renovation (00-1-005)

Appropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,000,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Washington State Training and Conference Center: Preservation (00-1-008)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations shall support the detailed list of projects maintained by the office of financial management.
- (2) The department shall coordinate all work with the tenants of the center.

Appropriation:

General Fund—Private/Local	\$	125,000
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State Building Construction Account—State	\$	1,000,000
Subtotal Appropriation	\$	1,125,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,200,000
TOTAL	\$	2,325,000

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Thurston County Facilities: Preservation (00-1-009)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) The department shall coordinate all work with the tenants in facilities undergoing preservation work.

Appropriation:

Capitol Building Construction Account—State	\$	500,000
Thurston County Capital Facilities Account—		
State	\$	1,700,000
Subtotal Appropriation	\$	2,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	8,225,000
TOTAL	\$	10,425,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

North Cascade Gateway Center (Northern State Multi-Service Center): Preservation (00-1-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) The department shall coordinate all work with the tenants of the center.

Appropriation:

General Fund—Private/Local	\$	607,000
State Building Construction Account—State	\$	800,000
Subtotal Appropriation	\$	1,407,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,770,000
TOTAL	\$	8,177,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Americans with Disabilities Act: Pool (00-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be solely allocated to agencies and institutions, except for the state community and technical colleges, for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the department of general administration has reviewed and approved the cost estimates for the project. The department of general administration shall implement an agency request and evaluation procedure similar to the one adopted in the 1997-99 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Appropriation:

State Building Construction Account—State	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>14,000,000</u>
TOTAL	\$	17,000,000

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Infrastructure Project: Savings (00-1-999)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

Capitol Building Construction Account—State	\$	1
State Building Construction Account—State	\$	1
Thurston County Capital Facilities Account—State	\$	<u>1</u>
Subtotal Appropriation	\$	3
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	3

NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services: Project management (00-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section shall be used to provide those services to state agencies required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services responsibilities and task list for general public works projects of normal complexity. The department may negotiate agreements with agencies for additional fees to manage exceptional projects or for services above core services as described as optional and extra services in the task list.

(2) The department shall create a central repository and distribution point for information and knowledge that can improve design and construction projects and practices. Copies of all completed predesigns, BEST studies, and value engineering and constructability reviews shall be collected by the department and be distributed electronically.

Appropriation:

Capitol Building Construction Account—State	\$	200,000
Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	700,000
State Building Construction Account—State	\$	7,300,000
Thurston County Capital Facilities Account— State	\$	<u>350,000</u>
Subtotal Appropriation	\$	8,550,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>37,550,000</u>
TOTAL	\$	46,100,000

NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

East Plaza and Plaza Garage Repairs (96-1-002)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Capitol Building Construction Account—State	\$	1,800,000
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Appropriation:

Capitol Building Construction Account—State	\$	700,000
State Building Construction Account—State	\$	<u>3,700,000</u>
Subtotal Appropriation	\$	4,400,000
Prior Biennia (Expenditures)	\$	7,395,572
Future Biennia (Projected Costs)	\$	30,000,000

TOTAL \$ 43,595,572

NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Buildings: Safety and infrastructure (98-1-005)

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) \$270,000 of the new appropriation is provided to complete heating, ventilation, and air conditioning repair and improvements in the Newhouse building.

Reappropriation:

State Building Construction Account—State	\$	179,454
Thurston County Capital Facilities Account—		
State	\$	<u>475,000</u>
Subtotal Reappropriation	\$	654,454

Appropriation:

Capitol Building Construction Account—State	\$	4,250,000
Thurston County Capital Facilities Account—		
State	\$	585,000
State Building Construction Account—State	\$	<u>270,000</u>
Subtotal Appropriation	\$	5,105,000
Prior Biennia (Expenditures)	\$	1,415,546
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	7,175,000

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

OB-2 Building: Preservation (98-1-007)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Capitol Building Construction Account—State	\$	1,700,000
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Appropriation:

State Building Construction Account—State	\$	3,100,000
Thurston County Capital Facilities Account—		
State	\$	<u>3,900,000</u>
Subtotal Appropriation	\$	7,000,000
Prior Biennia (Expenditures)	\$	2,750,000
Future Biennia (Projected Costs)	\$	<u>40,200,000</u>
TOTAL	\$	51,650,000

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Transportation Building: Preservation (98-1-008)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Thurston County Capital Facilities Account—		
State	\$	300,000

Appropriation:

Thurston County Capital Facilities Account—		
State	\$	1,500,000
Prior Biennia (Expenditures)	\$	434,000
Future Biennia (Projected Costs)	\$	6,000,000
TOTAL	\$	8,234,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Monumental Buildings: Cleaning (98-1-011)

Reappropriation:

Capitol Building Construction Account—State	\$	700,000
Prior Biennia (Expenditures)	\$	2,300,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park/Capitol Lake (98-2-003) (00-1-007)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

Capitol Building Construction Account—State	\$	2,000,000
State Building Construction Account—State	\$	1,600,000
Subtotal Appropriation	\$	3,600,000
Prior Biennia (Expenditures)	\$	10,379,774
Future Biennia (Projected Costs)	\$	16,000,000
TOTAL	\$	29,979,774

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Washington State Training and Conference Center: Dorm (98-2-004)

Reappropriation:

Public Safety Reimbursable Bond Account—State ..	\$	1,400,000
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Prior Biennia (Expenditures)	\$	1,200,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,600,000

NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Fire Safety Sprinkler Systems (Northern State Multi-Service Center) (99-1-001)

Reappropriation:

State Building Construction Account—State	\$	150,000
Prior Biennia (Expenditures)	\$	450,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	600,000

NEW SECTION. Sec. 154. FOR THE MILITARY DEPARTMENT Centralia - Readiness Center: Preservation (00-1-030)

Appropriation:

State Building Construction Account—State	\$	700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	700,000

NEW SECTION. Sec. 155. FOR THE MILITARY DEPARTMENT Energy Management Systems (00-4-001)

Appropriation:

State Building Construction Account—State	\$	278,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>908,000</u>
TOTAL	\$	1,186,000

NEW SECTION. Sec. 156. FOR THE MILITARY DEPARTMENT Infrastructure Project: Savings (00-4-002)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account—State	\$	1
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1
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NEW SECTION. Sec. 157. FOR THE MILITARY DEPARTMENT
 Camp Murray - Military Support Civilian Activities Center (00-5-002)

Appropriation:

General Fund—Federal	\$	365,000
State Building Construction Account—State	\$	385,000
Subtotal Appropriation	\$	750,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	750,000

NEW SECTION. Sec. 158. FOR THE MILITARY DEPARTMENT
 Camp Murray Infrastructure: Preservation (96-1-006)

Appropriation:

State Building Construction Account—State	\$	450,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,300,000
TOTAL	\$	2,750,000

NEW SECTION. Sec. 159. FOR THE MILITARY DEPARTMENT
 Minor Works: Federal construction projects (98-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

General Fund—Federal	\$	5,078,400
State Building Construction Account—State	\$	1,274,100
Subtotal Appropriation	\$	6,352,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	43,821,100
TOTAL	\$	50,173,600

NEW SECTION. Sec. 160. FOR THE MILITARY DEPARTMENT
 Minor Works: Preservation (98-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	1,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	5,700,000
TOTAL	\$	6,800,000

NEW SECTION. Sec. 161. FOR THE MILITARY DEPARTMENT
Yakima National Guard Armory and Readiness Center: Design and utilities
 (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

Funds expended on this project for off-site utility infrastructure which may include the provision of electricity, natural gas service, water service, or sewer service shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

Reappropriation:

State Building Construction Account—State	\$	2,725,000
General Fund—Federal	\$	<u>8,275,000</u>
Subtotal Reappropriation	\$	11,000,000
Prior Biennia (Expenditures)	\$	2,573,000
Future Biennia (Projected Costs)	\$	<u>3,288,000</u>
TOTAL	\$	16,861,000

NEW SECTION. Sec. 162. FOR THE STATE CONVENTION AND
TRADE CENTER

Seattle - Convention Center: Expansion (00-2-001)

Appropriation:

State Convention and Trade Center Account—		
State	\$	5,750,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	5,750,000

PART 2
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL
AND HEALTH SERVICES

Rainier School - Laundry: Equipment (00-1-001)

Appropriation:

State Building Construction Account—State	\$	450,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>1,250,000</u>
TOTAL	\$	1,700,000

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village: Cottage renovation (00-1-002)

Appropriation:

State Building Construction Account—State	\$	450,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,250,000
TOTAL	\$	1,700,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School - Multi-Services Building: Renovation (00-1-003)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account—State	\$	700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	5,000,000
TOTAL	\$	5,700,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Division of Land and Buildings: Project management (00-1-005)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	8,500,000
TOTAL	\$	10,500,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency and Small Repairs (00-1-006)

Appropriation:

State Building Construction Account—State	\$	750,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,000,000
TOTAL	\$	3,750,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mission Creek Youth Camp - Main Building: Renovation phase II (00-1-010)

Appropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>300,000</u>
TOTAL	\$	2,300,000

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study & Treatment Center: Cottage modifications (00-1-015)

Appropriation:

State Building Construction Account—State	\$	1,400,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>2,200,000</u>
TOTAL	\$	3,600,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works: Preservation (00-1-018)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Charitable, Educational, Penal, and Reformatory		
Institutions Account—State	\$	4,000,000
State Building Construction Account—State	\$	<u>4,000,000</u>
Subtotal Appropriation	\$	8,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>32,000,000</u>
TOTAL	\$	40,000,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen - Cottage Renovation (00-1-041)

The appropriation in this section is subject to the review and allotment procedures under section 902 of this act.

Appropriation:

State Building Construction Account—State	\$	75,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>11,100,000</u>
TOTAL	\$	11,175,000

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Infrastructure Project: Savings (00-1-053)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$ 1
State Building Construction Account—State	\$ 1
Subtotal Appropriation	\$ 2
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 2

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Campus renovation phase V (00-2-002)

The appropriation in this section is subject to the review and allotment procedures under section 903 of this act.

Appropriation:

State Building Construction Account—State	\$ 945,250
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 14,014,450
TOTAL	\$ 14,959,700

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works: Program (00-2-019)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$ 1,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 4,000,000
TOTAL	\$ 5,000,000

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Wastewater treatment plant (94-1-201)

Reappropriation:

State Building Construction Account—State	\$	419,587
Prior Biennia (Expenditures)	\$	3,852,913
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,272,500

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Water system improvements (94-1-202)

Reappropriation:

State Building Construction Account—State	\$	148,456
Prior Biennia (Expenditures)	\$	1,017,239
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,165,695

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Ward renovation phase 6 (94-1-316)

Reappropriation:

State Building Construction Account—State	\$	768,458
Prior Biennia (Expenditures)	\$	5,400,765
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,169,223

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Asbestos Abatement (96-1-002)

Reappropriation:

State Building Construction Account—State	\$	58,680
Prior Biennia (Expenditures)	\$	1,767,319
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,825,999

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Americans With Disabilities Act Improvements (96-1-003)

Reappropriation:

State Building Construction Account—State	\$	61,899
Prior Biennia (Expenditures)	\$	415,953
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	477,852

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works: Preservation (96-1-004)

The reappropriations shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$ 3,562,348
State Building Construction Account—State	\$ 3,245,803
Subtotal Reappropriation	\$ 6,808,151
Prior Biennia (Expenditures)	\$ 11,305,885
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 18,114,036

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Chlorofluorocarbon Abatement (96-1-008)

Reappropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$ 76,756
Prior Biennia (Expenditures)	\$ 173,245
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 250,001

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile Facilities Preservation (96-1-020)

Reappropriation:

State Building Construction Account—State	\$ 95,000
Prior Biennia (Expenditures)	\$ 1,984,600
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 2,079,600

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Projects: Mental health (96-1-030)

Reappropriation:

State Building Construction Account—State	\$ 385,105
Prior Biennia (Expenditures)	\$ 3,414,287
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 3,799,392

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Projects: Division of developmental disabilities (96-1-040)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	113,920
Prior Biennia (Expenditures)	\$	957,426
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,071,346

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Underground Storage Tanks Removal and Replacement (96-1-060)

Reappropriation:

Charitable, Educational, Penal, and Reformatory		
Institutions Account—State	\$	25,651
State Building Construction Account—State	\$	78,872
Subtotal Reappropriation	\$	104,523
Prior Biennia (Expenditures)	\$	675,268
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	779,791

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maintenance Management and Planning (96-1-150)

Reappropriation:

Charitable, Educational, Penal, and Reformatory		
Institutions Account—State	\$	109,380
Prior Biennia (Expenditures)	\$	200,001
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	309,381

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Medical Lake Wastewater Treatment Facility (96-1-301)

Reappropriation:

State Building Construction Account—State	\$	1,158,322
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Appropriation:

State Building Construction Account—State	\$	7,500,000
Prior Biennia (Expenditures)	\$	1,356,122
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 10,014,444

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Replace boiler 1 (96-1-322)

Reappropriation:

State Building Construction Account—State	\$	178,538
Prior Biennia (Expenditures)	\$	1,261,463
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,440,001

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Crisis Residential Centers (96-1-900)

The reappropriation in this section is provided to the department of social and health services for grants to provide secure crisis residential centers consistent with the plan developed pursuant to the omnibus 1995-97 operating budget.

Reappropriation:

State Building Construction Account—State	\$	2,800,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen: New beds and infrastructure (96-2-229)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	2,229,358
Prior Biennia (Expenditures)	\$	1,932,411
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,161,769

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School Redevelopment: 416 bed institution (96-2-230)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) Up to \$200,000 of the reappropriation in this section may be used to purchase property to accommodate either off-site parking, or to increase the buffer

between Green Hill School's secure perimeter and adjacent neighborhoods as required by the city of Chehalis, or both.

Reappropriation:

State Building Construction Account—State	\$	20,563,742
Prior Biennia (Expenditures)	\$	25,568,689
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	46,132,431

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: Renovation and infrastructure improvements (96-2-231)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	317,342
Prior Biennia (Expenditures)	\$	5,538,159
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,855,501

NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mission Creek Preservation Projects (96-2-233)

Reappropriation:

State Building Construction Account—State	\$	160,190
Prior Biennia (Expenditures)	\$	1,029,887
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,190,077

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Indian Ridge Youth Camp: Utility Upgrade (96-2-234)

Reappropriation:

State Building Construction Account—State	\$	74,851
Prior Biennia (Expenditures)	\$	1,446,649
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,521,500

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works: State-owned Juvenile Rehabilitation Administration group homes (96-2-235)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	1,517
Prior Biennia (Expenditures)	\$	342,883
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	344,400

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Underground Storage Tank Pool (98-1-001)

Reappropriation:

State Building Construction Account—State	\$	130,495
Prior Biennia (Expenditures)	\$	99,505
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	230,000

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Asbestos and Demolition Pool (98-1-002)

Reappropriation:

State Building Construction Account—State	\$	399,113
Prior Biennia (Expenditures)	\$	100,887
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	500,000

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: South hall HVAC retrofit (98-1-041)

Reappropriation:

State Building Construction Account—State	\$	958,128
Prior Biennia (Expenditures)	\$	41,872
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	1,000,000

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Renovate Main Building: Mission Creek (98-1-166)

Reappropriation:

State Building Construction Account—State	\$	1,589,710
Prior Biennia (Expenditures)	\$	910,290
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,500,000

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency Projects (98-1-428)

Reappropriation:

State Building Construction Account—State	\$	211,449
Prior Biennia (Expenditures)	\$	38,551
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	250,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Americans with Disabilities Act (98-1-993)

Reappropriation:

State Building Construction Account—State	\$	90,567
Prior Biennia (Expenditures)	\$	48,533
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	139,100

NEW SECTION. Sec. 240. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Legal offender unit (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	6,297,315
Prior Biennia (Expenditures)	\$	12,398,685
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	18,696,000

NEW SECTION. Sec. 241. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Legal offender unit (98-2-052)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	1,683,766
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Appropriation:

State Building Construction Account—State	\$	43,870,000
Prior Biennia (Expenditures)	\$	2,681,575
Future Biennia (Projected Costs)	\$	10,000,000
TOTAL	\$	58,235,341

NEW SECTION. Sec. 242. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Naselle Youth Camp: Academic school and support space (98-2-154)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	43,239
Prior Biennia (Expenditures)	\$	1,494,269
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,537,508

NEW SECTION. Sec. 243. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen: Vocational program addition (98-2-211)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	25,217
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Appropriation:

State Building Construction Account—State	\$	370,000
Prior Biennia (Expenditures)	\$	74,783
Future Biennia (Projected Costs)	\$	3,725,000
TOTAL	\$	4,195,000

NEW SECTION. Sec. 244. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Maple Lane School: 124 bed housing replacement/support services (98-2-216)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	2,681,146
Prior Biennia (Expenditures)	\$	6,651,494
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	9,332,640

NEW SECTION. Sec. 245. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Northern State Hospital: Safe passage program space (98-2-395)

Reappropriation:

State Building Construction Account—State	\$	267,922
Prior Biennia (Expenditures)	\$	61,578

Future Biennia (Projected Costs)	\$	0
TOTAL	\$	329,500

NEW SECTION. Sec. 246. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works: Program (98-2-409)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	347,933
Prior Biennia (Expenditures)	\$	495,202
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	843,135

**NEW SECTION. Sec. 247. FOR THE DEPARTMENT OF HEALTH
Waste Water Treatment System: Upgrade (00-1-008)**

Appropriation:

State Building Construction Account—State	\$	208,802
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	208,802

**NEW SECTION. Sec. 248. FOR THE DEPARTMENT OF HEALTH
Referendum 38: Water bonds (86-2-099)**

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)—State	\$	500,000
Prior Biennia (Expenditures)	\$	199,483
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	699,483

**NEW SECTION. Sec. 249. FOR THE DEPARTMENT OF HEALTH
Public Health Laboratory: Repairs and improvements (96-1-001)**

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	99,827
State Building Construction Account—State	\$	1,071,896
Subtotal Reappropriation	\$	1,171,723

Appropriation:

State Building Construction Account—State	\$	857,274
Prior Biennia (Expenditures)	\$	537,185
Future Biennia (Projected Costs)	\$	2,233,800

TOTAL	\$	4,799,982
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**NEW SECTION. Sec. 250. FOR THE DEPARTMENT OF HEALTH
Emergency Power System (96-1-009)**

Reappropriation:

Charitable, Educational, Penal, and Reformatory		
Institutions Account—State	\$	453,468
Prior Biennia (Expenditures)	\$	74,553
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	528,021

**NEW SECTION. Sec. 251. FOR THE DEPARTMENT OF HEALTH
Public Health Laboratory: Consolidation of facilities (96-2-001)**

The appropriations in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	336,307
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Appropriation:

State Building Construction Account—State	\$	5,012,750
Prior Biennia (Expenditures)	\$	323,993
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,673,050

**NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF HEALTH
Drinking Water Assistance Program (97-2-001)**

The reappropriation in this section is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account—Federal	\$	16,133,576
Prior Biennia (Expenditures)	\$	17,739,874
Future Biennia (Projected Costs)	\$	34,000,000
TOTAL	\$	67,873,450

**NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF HEALTH
Public Health Laboratory: Building 5 system upgrade (98-1-002)**

Reappropriation:

Charitable, Educational, Penal, and Reformatory		
Institutions Account—State	\$	282,774

Prior Biennia (Expenditures)	\$	28,266
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	311,040

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Orting - Washington Soldiers' Home, Fire Alarm System: Upgrade (00-1-009)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	450,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	450,000

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF VETERANS AFFAIRS

State-wide - Emergency Fund (00-1-012)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>3,000,000</u>
TOTAL	\$	3,500,000

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Orting - Grounds Projects: Preservation (00-1-013)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>575,000</u>
TOTAL	\$	1,275,000

NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF VETERANS AFFAIRS

State-wide - Master Plan (00-2-015)

The appropriation in this section is provided for a master plan for future uses and improvements of agency assets. The master plan shall include at least the following:

(1) A forecast of the future demand for nursing, assisted living, domiciliary, and community-based rehabilitative care by the state's veterans, based upon the projected age, sex, marital, and income composition of that population;

(2) An assessment of the most cost-effective role for the state to play in addressing such demand;

(3) A comprehensive analysis of the programmatic, community, capital, and operating costs and benefits of consolidating western Washington veterans home operations, including proposed alternative uses for the other campus if operations are consolidated;

(4) An assessment of alternatives for providing skilled nursing and assisted living services in eastern Washington; and

(5) An assessment of the feasibility, costs, and benefits of alternative strategies for providing rehabilitative care to younger veterans, such as those now served in the state-operated domiciliary units.

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$ 300,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 600,000
TOTAL	\$ 900,000

NEW SECTION, Sec. 258. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil - Washington Veterans' Home, Building Exteriors: Preservation (99-1-001)

Reappropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$ 50,000

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$ 400,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 540,000
TOTAL	\$ 990,000

NEW SECTION, Sec. 259. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Orting - Washington Soldiers' Home, Mechanical/Electrical/HVAC: Preservation (99-1-002)

Reappropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$ 350,000

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	650,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>1,275,000</u>
TOTAL	\$	2,275,000

NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF VETERANS

AFFAIRS

Orting: Dining Hall Remodel (97-1-002)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	350,000
Prior Biennia (Expenditures)	\$	750,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	1,100,000

NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF VETERANS

AFFAIRS

Retsil - Washington Veterans' Home: Kitchen Remodel (02-1-011)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	600,000

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works: Preservation (00-1-020)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	20,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>80,000,000</u>
TOTAL	\$	100,000,000

NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS

Emergency and Small Repairs (00-1-021)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	1,600,000
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State Building Construction Account—State	\$	1
Subtotal Appropriation	\$	1,600,001
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	7,400,000
TOTAL	\$	9,000,001

NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS

Infrastructure Project: Savings (00-1-024)

Projects that are completed in accordance with section 913 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account—State	\$	1
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1

NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary - Intensive Management Unit: Improvements (00-1-025)

Appropriation:

State Building Construction Account—State	\$	3,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,500,000

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Correctional Complex - Twin Rivers: 512-bed expansion (00-2-004)

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

General Fund—Federal	\$	4,213,000
State Building Construction Account—State	\$	487,000
Subtotal Appropriation	\$	4,700,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	<u>60,400,000</u>
TOTAL	\$	65,100,000

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center - 200-bed department of social and health services-Special Commitment Center (00-2-005)

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account—State	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>37,100,000</u>
TOTAL	\$	39,600,000

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Correctional Complex - Reformatory: 100-bed Intensive Management Unit (00-2-008)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account—State	\$	190,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>21,500,000</u>
TOTAL	\$	21,690,000

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works: Program (00-2-010)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	5,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>20,000,000</u>
TOTAL	\$	25,000,000

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Correctional Complex: Kitchen consolidation/modifications (00-2-011)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account—State	\$	1,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	8,000,000
TOTAL	\$	9,100,000

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS.

Washington State Penitentiary Steam System (96-1-016)

Reappropriation:

State Building Construction Account—State	\$	234,000
Prior Biennia (Expenditures)	\$	1,641,443
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,875,443

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Corrections Center for Women (96-2-001)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	483,000
Prior Biennia (Expenditures)	\$	1,590,272
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,073,272

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Correctional Complex - Reformatory: 400-bed facility (96-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	153,000
Prior Biennia (Expenditures)	\$	2,331,969
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,484,969

NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Expansion (96-2-003)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	1,423,000
Prior Biennia (Expenditures)	\$	17,617,752
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	19,040,752

NEW SECTION. Sec. 275. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women Mental Health, Special Needs, and Reception Unit (96-2-006)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	1,273,000
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Appropriation:

State Building Construction Account—State	\$	23,300,000
Prior Biennia (Expenditures)	\$	227,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	24,800,000

NEW SECTION. Sec. 276. FOR THE DEPARTMENT OF CORRECTIONS

Larch and Cedar Creek Expansions (96-2-010)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	876,000
Prior Biennia (Expenditures)	\$	21,124,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	22,000,000

NEW SECTION. Sec. 277. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay Corrections Center - Juvenile Justice Program: Improvements (97-2-005)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	3,948,000
Prior Biennia (Expenditures)	\$	552,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,500,000

NEW SECTION. Sec. 278. FOR THE DEPARTMENT OF CORRECTIONS

State-wide Preservation Projects (98-1-001)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	\$	3,150,000
State Building Construction Account—State	\$	10,752,000
Subtotal Reappropriation	\$	13,902,000
Prior Biennia (Expenditures)	\$	31,369,536
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	45,271,536

NEW SECTION. Sec. 279. FOR THE DEPARTMENT OF CORRECTIONS

Underground Storage Tank and Above Ground Storage Tank Program (98-1-002)

Reappropriation:

State Building Construction Account—State	\$	1,038,000
Prior Biennia (Expenditures)	\$	932,300
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,970,300

NEW SECTION. Sec. 280. FOR THE DEPARTMENT OF CORRECTIONS

State-wide Asbestos Removal (98-1-003)

Reappropriation:

State Building Construction Account—State	\$	783,000
Prior Biennia (Expenditures)	\$	272,068
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,055,068

NEW SECTION. Sec. 281. FOR THE DEPARTMENT OF CORRECTIONS

State-wide Americans with Disabilities Act Compliance Projects (98-1-004)

Reappropriation:

State Building Construction Account—State	\$	112,000
Prior Biennia (Expenditures)	\$	59,150
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	171,150

NEW SECTION, Sec. 282. FOR THE DEPARTMENT OF CORRECTIONS

Emergency Funds (98-1-005)

Reappropriation:

Charitable, Educational, Penal, and Reformatory		
Institutions Account—State	\$	360,000
State Building Construction Account—State	\$	970,000
Subtotal Reappropriation	\$	1,330,000
Prior Biennia (Expenditures)	\$	3,299,100
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,629,100

NEW SECTION, Sec. 283. FOR THE DEPARTMENT OF CORRECTIONS

Stafford Creek Corrections Center (98-2-001)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	105,000,000
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Appropriation:

General Fund—Federal	\$	11,794,800
State Building Construction Account—State	\$	10,670,616
Subtotal Appropriation	\$	22,465,416
Prior Biennia (Expenditures)	\$	67,490,800
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	194,956,216

NEW SECTION, Sec. 284. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: Convert medium to close custody (98-2-002)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	1,400,000
Prior Biennia (Expenditures)	\$	3,324,588
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 4,724,588

NEW SECTION. Sec. 285. FOR THE DEPARTMENT OF CORRECTIONS

Tacoma: Design 400-bed prerelease facility (98-2-003)

The reappropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	1,129,047
Prior Biennia (Expenditures)	\$	496,653
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,625,700

NEW SECTION. Sec. 286. FOR THE DEPARTMENT OF CORRECTIONS

State-wide: Correctional industries expansion (98-2-005)

Reappropriation:

State Building Construction Account—State	\$	2,918,000
Prior Biennia (Expenditures)	\$	382,000
Future Biennia (Projected Costs)	\$	16,000,000
TOTAL	\$	19,300,000

NEW SECTION. Sec. 287. FOR THE DEPARTMENT OF CORRECTIONS

Expand Special Offenders Center to 400 Beds (98-2-010)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State

\$	2,507,879
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Appropriation:

State Building Construction Account—State	\$	38,800,000
Prior Biennia (Expenditures)	\$	1,327,400
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	42,635,279

NEW SECTION. Sec. 288. FOR THE DEPARTMENT OF CORRECTIONS

New 1,936-Bed Multicustody Facility: Predesign and site selection (98-2-011)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State

\$	958,000
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Prior Biennia (Expenditures)	\$	290,453
Future Biennia (Projected Costs)	\$	<u>242,000,000</u>
TOTAL	\$	243,248,453

NEW SECTION. Sec. 289. FOR THE DEPARTMENT OF CORRECTIONS

State-wide Programmatic Projects (98-2-013)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	4,400,000
Prior Biennia (Expenditures)	\$	15,150,401
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	19,550,401

NEW SECTION. Sec. 290. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Replace razor ribbon (99-1-001)

Reappropriation:

State Building Construction Account—State	\$	485,000
Prior Biennia (Expenditures)	\$	316,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	801,000

NEW SECTION. Sec. 291. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Still harbor dock (99-2-001)

Reappropriation:

State Building Construction Account—State	\$	2,500,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,700,000

NEW SECTION. Sec. 292. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory Farm: Dairy animal waste lagoon improvement (99-2-002)

Reappropriation:

State Building Construction Account—State	\$	182,000
Prior Biennia (Expenditures)	\$	1,060,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	1,242,000

NEW SECTION. Sec. 293. FOR THE DEPARTMENT OF CORRECTIONS

Local Government Criminal Justice Facilities (99-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for the purpose of construction, developing, expanding, modifying, or improving local jails and other correctional facilities in accordance with the violent offender incarceration and truth-in-sentencing grant requirements.

(2) The department of corrections, in consultation with the Washington association of sheriffs and police chiefs, shall develop criteria for allocating moneys appropriated in this section to local governments.

Reappropriation:

General Fund—Federal	\$	639,196
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Appropriation:

General Fund—Federal	\$	2,894,165
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>3,533,361</u>

NEW SECTION. Sec. 294. FOR THE DEPARTMENT OF CORRECTIONS

Grant Administration and Minor Improvements (99-2-004)

The appropriations in this section are provided solely for cost associated with administration of the violent offender incarceration and truth-in-sentencing grant program to local governments and other agencies receiving a subaward from the grant and minor improvements for correctional facilities.

Reappropriation:

General Fund—Federal	\$	120,000
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Appropriation:

General Fund—Federal	\$	392,113
Charitable, Educational, Penal, and Reformatory		
Institutions Account—State	\$	<u>60,851</u>
Subtotal Appropriation	\$	452,964
Prior Biennia (Expenditures)	\$	35,550
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>608,514</u>

NEW SECTION. Sec. 295. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Infrastructure evaluation

The appropriation in this section is provided solely for conducting an evaluation of the current sewer and water systems at the Washington corrections center. The evaluation shall identify: (1) The capacity of the current systems based on current and planned average daily population; (2) any deficiencies with the current systems; and (3) the most cost-effective options for addressing any issues identified in subsections (1) and (2) of this section, including changes in programmatic operations or financing alternatives with other entities for off-site infrastructure improvements.

Appropriation:

State Building Construction Account—State	\$	350,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>350,000</u>

**PART 3
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY
Water Rights Purchase**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided for a pilot project for the purchase of water rights under the trust water rights program under chapter 90.42 RCW, for the purpose of improving stream and river flows in fish critical basins. This appropriation shall only be used to acquire water rights in basins with current or proposed listings of salmon or steelhead under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.) and where low flows have been identified as a limiting factor for salmon recovery. Priority for funding such purchases and leases shall take into consideration the following:

- (a) Proposals providing the greatest benefit for restoring and protecting fish;
- (b) Proposals providing benefits in addition to protecting fish critical streams and rivers;
- (c) Proposals that include funds from other sources;
- (d) Proposals showing a broad level of support among interested parties;
- (e) Proposals requiring the lowest administrative costs to implement; and
- (f) Proposals requiring the lowest overall cost within the context of the local marketplace.

(2) On or before December 1, 2000, the department shall report to the governor and appropriate legislative committees on the progress in implementing the pilot program and recommendations for continuation of the program.

Appropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	24,000,000
TOTAL	\$	25,000,000

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY
Referendum 26 Waste Disposal Facilities (74-2-004)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account		
(Waste Facilities)—State	\$	2,204,376
Prior Biennia (Expenditures)	\$	4,186,488
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,390,864

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY
Referendum 38 Water Supply Facilities (74-2-006)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account		
(Water Supply Facilities)—State	\$	6,004,436

Appropriation:

State and Local Improvements Revolving Account		
(Water Supply Facilities)—State	\$	4,100,000
State Drought Preparedness Account—State	\$	6,800,000
Subtotal Appropriation	\$	<u>10,900,000</u>
Prior Biennia (Expenditures)	\$	4,320,950
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	21,225,386

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY
 State Emergency Water Projects Revolving Account (76-2-003)

Reappropriation:

State Emergency Water Projects Revolving Account—		
State	\$	577,833
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	577,833

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY
 Referendum 39 Waste Disposal Facilities (82-2-005)

The reappropriation in this section is provided solely for projects under contracts on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving Account		
(Waste Facilities 1980)—State	\$	6,113,126
Prior Biennia (Expenditures)	\$	12,293,785
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	18,406,911

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY
 Centennial Clean Water Fund (86-2-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$15,000,000 of the water quality account appropriation is provided for the extended grant payment to Metro/King county. The department shall, in

cooperation with Metro/King county, document the eligible costs remaining for the extended grant payment, and submit a revised payment schedule to the governor and appropriate legislative committees by December 1, 1999.

(2) Up to \$10,000,000 of the water quality account appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$3,600,000 of the water quality account appropriation is provided for the construction of a wastewater treatment plant at the city of Connell.

(4) The entire public works assistance account appropriation is provided for water quality facility grants for communities with populations less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(5) The remaining appropriation in this section is provided for state-wide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(6) The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects lapse on June 30, 1999. The office of financial management may grant waivers from this subsection for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and the senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and the senate ways and means committee by December 1, 1999, listing all projects funded from the reappropriation in this section.

Reappropriation:

Water Quality Account—State	\$	32,336,890
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Appropriation:

Water Quality Account—State	\$	52,000,000
Public Works Assistance Account—State	\$	10,000,000
Subtotal Appropriation	\$	62,000,000
Prior Biennia (Expenditures)	\$	158,376,857
Future Biennia (Projected Costs)	\$	140,000,000
TOTAL	\$	392,713,747

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY
Local Toxics Control Account (88-2-008)

The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not associated with contracted projects shall lapse on June 30, 1999. The office of financial

management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee. The department shall submit a report to the office of financial management and the house of representatives capital budget committee and senate ways and means committee by December 1, 1999, listing all projects funded from this section.

Reappropriation:

Local Toxics Control Account—State	\$	25,833,809
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Appropriation:

Local Toxics Control Account—State	\$	42,479,000
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Prior Biennia (Expenditures)	\$	65,202,174
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Future Biennia (Projected Costs)	\$	<u>180,000,000</u>
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TOTAL	\$	313,514,983
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**NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY
Water Pollution Control Revolving Fund (90-2-002)**

Reappropriation:

Water Pollution Control Revolving Account— State	\$	55,640,931
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Water Pollution Control Revolving Account— Federal	\$	<u>34,914,688</u>
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Subtotal Reappropriation	\$	90,555,619
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Appropriation:

Water Pollution Control Revolving Account— State	\$	32,375,833
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Water Pollution Control Revolving Account— Federal	\$	<u>46,830,366</u>
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Subtotal Appropriation	\$	79,206,199
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Prior Biennia (Expenditures)	\$	120,971,790
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Future Biennia (Projected Costs)	\$	<u>320,207,299</u>
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TOTAL	\$	610,940,907
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**NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY
Methow Basin Water Conservation (92-2-009)**

Reappropriation:

State Building Construction Account—State	\$	87,689
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Prior Biennia (Expenditures)	\$	312,311
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Future Biennia (Projected Costs)	\$	<u>0</u>
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TOTAL	\$	400,000
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**NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY
Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)**

Reappropriation:

Site Closure Account—State	\$	5,443,978
Prior Biennia (Expenditures)	\$	989,386
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,433,364

NEW SECTION. Sec. 311. FOR THE STATE PARKS AND RECREATION COMMISSION

Coastal Facility Relocation (00-1-005)

Appropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,000,000
TOTAL	\$	4,000,000

NEW SECTION. Sec. 312. FOR THE STATE PARKS AND RECREATION COMMISSION

Historic Structure and Land Use Stewardship Program (00-1-007)

Appropriation:

State Building Construction Account—State	\$	6,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	35,500,000
TOTAL	\$	42,000,000

NEW SECTION. Sec. 313. FOR THE STATE PARKS AND RECREATION COMMISSION

Lewis and Clark Trail Bicentennial: Preservation (00-1-010)

Appropriation:

State Building Construction Account—State	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,000,000
TOTAL	\$	2,500,000

NEW SECTION. Sec. 314. FOR THE STATE PARKS AND RECREATION COMMISSION

Park Housing (00-1-014)

Appropriation:

State Building Construction Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,000,000
TOTAL	\$	2,500,000

NEW SECTION. Sec. 315. FOR THE STATE PARKS AND RECREATION COMMISSION

Pacific County: Seashore conservation (00-1-015)

Appropriation:

State Building Construction Account—State	\$	50,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	50,000

NEW SECTION. Sec. 316. FOR THE STATE PARKS AND RECREATION COMMISSION

Park Land Acquisition Account (00-3-001)

Appropriation:

Park Land Acquisition Account—State	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	250,000

NEW SECTION. Sec. 317. FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail (89-5-112)

Reappropriation:

General Fund—Federal	\$	375,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	375,000

NEW SECTION. Sec. 318. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Boat Pumpouts: Federal Clean Vessel Act (96-2-008)

Reappropriation:

General Fund—Federal	\$	300,000
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Appropriation:

General Fund—Federal	\$	900,000
Prior Biennia (Expenditures)	\$	211,246
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,411,246

NEW SECTION. Sec. 319. FOR THE STATE PARKS AND RECREATION COMMISSION

Americans with Disabilities Act Improvements (98-1-993)

Reappropriation:

State Building Construction Account—State	\$	200,000
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Prior Biennia (Expenditures)	\$	153,855
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	353,855

NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Emergency Projects (98-1-001)

Reappropriation:

State Building Construction Account—State	\$	50,000
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Appropriation:

State Building Construction Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	198,618
Future Biennia (Projected Costs)	\$	<u>2,650,000</u>
TOTAL	\$	3,398,618

NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION

Underground Storage Tank Replacement (98-1-002)

Reappropriation:

State Building Construction Account—State	\$	493,367
Prior Biennia (Expenditures)	\$	345,922
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	839,289

NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION

Facilities Preservation: State-wide (98-1-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation shall support the detailed list of projects maintained by the office of financial management.

(2) The parks renewal and stewardship account appropriation in this section is provided on the condition the parks renewal and stewardship account receives in excess of \$26,000,000 in biennial revenue.

Reappropriation:

State Building Construction Account—State	\$	2,750,000
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Appropriation:

State Building Construction Account—State	\$	8,000,000
Parks Renewal and Stewardship Account—State . . .	\$	<u>1,000,000</u>
Subtotal Appropriation	\$	9,000,000
Prior Biennia (Expenditures)	\$	643,234
Future Biennia (Projected Costs)	\$	31,000,000

TOTAL \$ 43,393,234

NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION

Historic Facilities Renovation (98-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	1,370,628
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,370,628

NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION

Natural and Historic Stewardship: State-wide (98-1-007)

The reappropriation in this section shall support the detailed list resulting from the 1996 historic structures condition assessment study which is maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	1,200,000
Prior Biennia (Expenditures)	\$	300,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,500,000

NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide - Recreation Development Program (98-2-008)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The commission shall prioritize recreation development projects that have the greatest potential to generate revenue for the park system.
- (2) \$200,000 of the state building construction account is provided solely for repairs and improvements at the Goldendale observatory.
- (3) \$50,000 of the state building construction account is provided solely for parking and trail system improvements at west Hylebos state park.

Reappropriation:

General Fund—Federal	\$	920,000
State Building Construction Account—State	\$	1,500,000
Subtotal Reappropriation	\$	2,420,000

Appropriation:

State Building Construction Account—State	\$	2,500,000
General Fund—Federal	\$	165,000
General Fund—Private/Local	\$	<u>33,000</u>
Subtotal Appropriation	\$	2,698,000
Prior Biennia (Expenditures)	\$	369,953
Future Biennia (Projected Costs)	\$	<u>15,500,000</u>
TOTAL	\$	20,987,953

NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION

Storm Disaster Recovery (99-1-001)

Reappropriation:

State Building Construction Account—State	\$	526,647
Prior Biennia (Expenditures)	\$	3,353
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	530,000

NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach Donation (99-2-001)

Reappropriation:

Parks Renewal and Stewardship Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	1,000,000

NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION

State-wide: Facility preservation and deferred maintenance

The appropriation in this section is subject to the following condition and limitation: The commission shall contract out for completion of critical park maintenance projects throughout the state.

Appropriation:

State Building Construction Account—State	\$	4,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	4,000,000

NEW SECTION. Sec. 329. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities (98-2-001)

Reappropriation:

Outdoor Recreation Account—State	\$	1,613,672
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Recreation Resources Account—State	\$	<u>12,098,000</u>
Subtotal Reappropriation	\$	13,711,672
Appropriation:		
Recreation Resources Account—State	\$	8,433,414
Prior Biennia (Expenditures)	\$	7,347,788
Future Biennia (Projected Costs)	\$	<u>38,855,506</u>
TOTAL	\$	68,348,380

NEW SECTION. Sec. 330. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Activities Program (98-2-002)

The appropriations in this section are subject to the following condition and limitation: \$1,604,486 of the appropriation is provided solely to implement chapter . . . (Second Substitute Senate Bill No. 5556 (fuel tax transfers)), Laws of 1999. Of this amount, up to \$260,000 is provided for a study of the source and distribution of nonhighway road funds. If the bill is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

Reappropriation:

NOVA Program Account—State	\$	7,733,899
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Appropriation:

NOVA Program Account—State	\$	7,038,576
Prior Biennia (Expenditures)	\$	7,691,855
Future Biennia (Projected Costs)	\$	<u>23,141,446</u>
TOTAL	\$	45,605,776

NEW SECTION. Sec. 331. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (98-2-003)

The appropriations in this section for the wildlife and recreation program under chapter 43.98A RCW and RCW 43.98A.040 are subject to the following condition and limitation:

(1) The new appropriations in this section are provided for the approved list of projects included in LEAP capital document No. 99-1, as developed on April 8, 1999.

(2) Any funding provided in this section for the Mt. Spokane - Quartz Mountain acquisition by the state parks and recreation commission shall not exceed fair market value as determined by an evaluation of three independent appraisals.

Reappropriation:

State Building Construction Account—State	\$	6,475,416
Outdoor Recreation Account—State	\$	23,733,311
Habitat Conservation Account—State	\$	<u>25,872,718</u>
Subtotal Reappropriation	\$	56,081,445

Appropriation:

Outdoor Recreation Account—State	\$	23,000,000
Habitat Conservation Account—State	\$	<u>25,000,000</u>
Subtotal Appropriation	\$	48,000,000
Prior Biennia (Expenditures)	\$	213,018,555
Future Biennia (Projected Costs)	\$	<u>190,000,000</u>
TOTAL	\$	507,100,000

NEW SECTION. Sec. 332. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms Range Program (98-2-004)

Reappropriation:

Firearms Range Account—State	\$	668,101
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Appropriation:

Firearms Range Account—State	\$	354,400
Prior Biennia (Expenditures)	\$	758,960
Future Biennia (Projected Costs)	\$	<u>800,000</u>
TOTAL	\$	2,581,461

NEW SECTION. Sec. 333. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (98-2-005)

Reappropriation:

Outdoor Recreation Account—Federal	\$	252,665
Prior Biennia (Expenditures)	\$	1,578,014
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	1,830,679

NEW SECTION. Sec. 334. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Act (98-2-006)

Reappropriation:

Outdoor Recreation Account—Federal	\$	22,815
Recreation Resources Account—Federal	\$	<u>589,264</u>
Subtotal Reappropriation	\$	612,079

Appropriation:

Recreation Resources Account—Federal	\$	1,478,350
Prior Biennia (Expenditures)	\$	682,304
Future Biennia (Projected Costs)	\$	<u>2,797,251</u>
TOTAL	\$	5,569,984

NEW SECTION. Sec. 335. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (00-2-004)

Reappropriation:

State Building Construction Account—State \$ 5,000,000

Appropriation:

State Building Construction Account—State \$ 5,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 10,000,000

TOTAL \$ 20,000,000

NEW SECTION. Sec. 336. FOR THE STATE CONSERVATION COMMISSION

Water Quality Grants Program (98-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) Appropriations equal to \$3,840,000 are provided solely for grants to qualifying conservation districts for nonpoint water quality projects and programs.

(2) Appropriations equal to \$80,000 are provided for audits of districts receiving grants conducted by the office of the state auditor.

(3) Remaining funds are to be distributed by a competitive process that uses state priorities to rank proposals from districts.

Reappropriation:

Water Quality Account—State \$ 1,732,102

Appropriation:

Water Quality Account—State \$ 5,000,000

Prior Biennia (Expenditures) \$ 8,767,898

Future Biennia (Projected Costs) \$ 20,000,000

TOTAL \$ 35,500,000

NEW SECTION. Sec. 337. FOR THE STATE CONSERVATION COMMISSION

Dairy Waste Management Grants Program (98-2-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to assist dairy operators in implementing dairy waste management systems; and

(2) \$1,500,000 of the appropriation is provided solely for a state-wide grant program to provide technical assistance to dairy operators for development and implementation of dairy waste management plans.

Reappropriation:

Water Quality Account—State \$ 529,132

Appropriation:

Water Quality Account—State	\$	3,000,000
Prior Biennia (Expenditures)	\$	2,470,868
Future Biennia (Projected Costs)	\$	<u>12,000,000</u>
TOTAL	\$	18,000,000

NEW SECTION. Sec. 338. FOR THE STATE CONSERVATION COMMISSION

Puget Sound Action Plan (98-2-003)

Reappropriation:

Water Quality Account—State	\$	137,071
Prior Biennia (Expenditures)	\$	692,929
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	830,000

NEW SECTION. Sec. 339. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Upland Wildlife Habitat: Replacement (00-2-005)

Appropriation:

Wildlife Account—State	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>600,000</u>
TOTAL	\$	1,200,000

NEW SECTION. Sec. 340. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Watchable Wildlife Program (00-2-007)

Appropriation:

State Building Construction Account—State	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>800,000</u>
TOTAL	\$	900,000

NEW SECTION. Sec. 341. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Grandy Creek Hatchery (92-5-024)

Reappropriation:

State Building Construction Account—State	\$	3,667,100
Prior Biennia (Expenditures)	\$	652,080
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	4,319,180

NEW SECTION. Sec. 342. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Tideland Acquisition (94-2-003)

Reappropriation:

General Fund—Federal	\$	1,208,000
Prior Biennia (Expenditures)	\$	3,792,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,000,000

NEW SECTION. Sec. 343. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Nemah Hatchery Building and Incubation System Replacement (96-1-006)

Reappropriation:

General Fund—Federal	\$	172,000
Prior Biennia (Expenditures)	\$	1,528,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,700,000

NEW SECTION. Sec. 344. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Shellfish Laboratory and Hatchery Upgrades (96-1-009)

Reappropriation:

State Building Construction Account—State	\$	50,000
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Appropriation:

Aquatic Lands Enhancement Account—State	\$	190,400
State Building Construction Account—State	\$	115,000
Subtotal Appropriation	\$	305,400
Prior Biennia (Expenditures)	\$	804,578
Future Biennia (Projected Costs)	\$	1,000,000
TOTAL	\$	2,159,978

NEW SECTION. Sec. 345. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minter Creek Hatchery Renovation (96-2-019)

Reappropriation:

State Building Construction Account—State	\$	400,000
Prior Biennia (Expenditures)	\$	5,100,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,500,000

NEW SECTION. Sec. 346. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works: Preservation (98-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	330,000
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Appropriation:

State Building Construction Account—State	\$	2,300,000
Prior Biennia (Expenditures)	\$	6,705,303
Future Biennia (Projected Costs)	\$	9,600,000
TOTAL	\$	18,935,303

NEW SECTION. Sec. 347. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Underground Storage Tank Removal and Replacement (98-1-002)

Reappropriation:

State Building Construction Account—State	\$	25,000
Prior Biennia (Expenditures)	\$	2,572,900
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,597,900

NEW SECTION. Sec. 348. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Emergency Repairs (98-1-003)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	135,000
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Appropriation:

State Building Construction Account—State	\$	700,000
Prior Biennia (Expenditures)	\$	1,610,923
Future Biennia (Projected Costs)	\$	2,300,000
TOTAL	\$	4,745,923

NEW SECTION. Sec. 349. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dam Inspection and Repair (98-1-004)

Reappropriation:

State Building Construction Account—State	\$	100,000
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Appropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	50,000
Future Biennia (Projected Costs)	\$	1,700,000
TOTAL	\$	2,850,000

NEW SECTION. Sec. 350. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facilities Renovation (98-1-005)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	190,000
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Appropriation:

State Building Construction Account—State	\$	1,200,000
Prior Biennia (Expenditures)	\$	4,984,258
Future Biennia (Projected Costs)	\$	6,400,000
TOTAL	\$	12,774,258

NEW SECTION. Sec. 351. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery Renovations (98-1-006) (98-1-015)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	150,000
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Appropriation:

State Building Construction Account—State	\$	4,000,000
Prior Biennia (Expenditures)	\$	16,698,022
Future Biennia (Projected Costs)	\$	18,000,000
TOTAL	\$	38,848,022

NEW SECTION. Sec. 352. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Recreational Access Redevelopment (98-1-007)

Reappropriation:

State Building Construction Account—State	\$	60,000
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Appropriation:

General Fund—Federal	\$	550,000
State Building Construction Account—State	\$	400,000
Subtotal Appropriation	\$	950,000
Prior Biennia (Expenditures)	\$	4,427,787
Future Biennia (Projected Costs)	\$	4,000,000
TOTAL	\$	9,437,787

NEW SECTION. Sec. 353. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Coast and Puget Sound Wild Salmonid Habitat Restoration (98-1-009)

Reappropriation:

State Building Construction Account—State	\$	350,000
Prior Biennia (Expenditures)	\$	11,986,386
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>12,336,386</u>

NEW SECTION. Sec. 354. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Coast and Puget Sound Wildstock Restoration: Hatcheries (98-1-010)

Reappropriation:

State Building Construction Account—State	\$	580,000
Prior Biennia (Expenditures)	\$	5,520,626
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>6,100,626</u>

NEW SECTION. Sec. 355. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish Protection Facilities (98-1-011)

Reappropriation:

State Building Construction Account—State	\$	50,000
Prior Biennia (Expenditures)	\$	3,382,806
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>3,432,806</u>

NEW SECTION. Sec. 356. FOR THE DEPARTMENT OF FISH AND WILDLIFE

State-wide Fencing Renovation and Construction (98-1-012)

Reappropriation:

State Building Construction Account—State	\$	85,000
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Appropriation:

State Building Construction Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	2,543,070
Future Biennia (Projected Costs)	\$	2,550,000
TOTAL	\$	<u>5,678,070</u>

NEW SECTION. Sec. 357. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wildlife Area Renovation (98-1-013)

Reappropriation:

Wildlife Account—State	\$	85,000
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Appropriation:

State Building Construction Account—State	\$	250,000
Wildlife Account—State	\$	288,300

Subtotal Appropriation	\$	538,300
Prior Biennia (Expenditures)	\$	1,912,000
Future Biennia (Projected Costs)	\$	2,300,000
TOTAL	\$	4,835,300

NEW SECTION. Sec. 358. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Issaquah Hatchery Improvements (98-1-015)

Reappropriation:

State Building Construction Account—State	\$	30,000
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Appropriation:

General Fund—Private/Local	\$	600,000
State Building Construction Account—State	\$	2,615,000
Subtotal Appropriation	\$	3,215,000

Prior Biennia (Expenditures)	\$	4,190,955
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,435,955

NEW SECTION. Sec. 359. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Crop and Orchard Protection Fencing (98-2-002)

Reappropriation:

State Building Construction Account—State	\$	10,000
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Appropriation:

State Building Construction Account—State	\$	300,000
Prior Biennia (Expenditures)	\$	290,000
Future Biennia (Projected Costs)	\$	1,700,000
TOTAL	\$	2,300,000

NEW SECTION. Sec. 360. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Game Farm Consolidation (98-2-005)

Reappropriation:

State Building Construction Account—State	\$	80,000
Prior Biennia (Expenditures)	\$	2,094,388
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,174,388

NEW SECTION. Sec. 361. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Warm Water Game Fish Access Facilities (98-2-006)

Reappropriation:

Warm Water Game Fish Account—State	\$	210,000
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Appropriation:

Warm Water Game Fish Account—State	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,080,000
TOTAL	\$	2,890,000

NEW SECTION. Sec. 362. FOR THE DEPARTMENT OF FISH AND

WILDLIFE

Recreational Fish Enhancement (98-2-007)

Reappropriation:

Recreational Fisheries Enhancement—State	\$	515,000
Prior Biennia (Expenditures)	\$	285,000
Future Biennia (Projected Costs)	\$	2,000,000
TOTAL	\$	2,800,000

NEW SECTION. Sec. 363. FOR THE DEPARTMENT OF FISH AND

WILDLIFE

Mitigation Projects and Dedicated Funds (98-2-008)

Reappropriation:

Game Special Wildlife Account—State	\$	50,000
Game Special Wildlife Account—Private/Local	\$	1,150,000
Subtotal Reappropriation	\$	1,200,000

Appropriation:

General Fund—Federal	\$	4,000,000
General Fund—Private/Local	\$	2,000,000
Game Special Wildlife Account—State	\$	60,000
Subtotal Appropriation	\$	6,060,000
Prior Biennia (Expenditures)	\$	28,249,081
Future Biennia (Projected Costs)	\$	26,270,000
TOTAL	\$	61,779,081

NEW SECTION. Sec. 364. FOR THE DEPARTMENT OF FISH AND

WILDLIFE

Migratory Waterfowl Habitat Acquisition and Development (98-2-009)

Reappropriation:

Wildlife Account—State	\$	200,000
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Appropriation:

Wildlife Account—State	\$	750,000
Prior Biennia (Expenditures)	\$	1,865,044
Future Biennia (Projected Costs)	\$	2,000,000
TOTAL	\$	4,815,044

NEW SECTION. Sec. 365. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Columbia River Wildlife Mitigation (98-2-010)

Reappropriation:

Game Special Wildlife Account—Federal	\$	2,000,000
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Appropriation:

Game Special Wildlife Account—Federal	\$	2,000,000
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Prior Biennia (Expenditures)	\$	4,654,773
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Future Biennia (Projected Costs)	\$	21,600,000
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TOTAL	\$	30,254,773
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NEW SECTION. Sec. 366. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deep Water Slough Restoration (98-2-013)

Appropriation:

State Building Construction Account—State	\$	400,000
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Prior Biennia (Expenditures)	\$	14,968
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Future Biennia (Projected Costs)	\$	300,000
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TOTAL	\$	714,968
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NEW SECTION. Sec. 367. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Clam and Oyster Beach Enhancement (98-2-019)

Reappropriation:

Aquatic Lands Enhancement Account—State	\$	90,000
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Appropriation:

Aquatic Lands Enhancement Account—State	\$	130,000
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Prior Biennia (Expenditures)	\$	2,803,803
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Future Biennia (Projected Costs)	\$	600,000
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TOTAL	\$	3,623,803
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NEW SECTION. Sec. 368. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Salmon Restoration (99-2-001)

Reappropriation:

State Building Construction Account—State	\$	750,000
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Salmon Recovery Account—State	\$	1,000,000
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Subtotal Reappropriation	\$	1,750,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	1,750,000
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NEW SECTION. Sec. 369. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Goldsborough Creek Restoration

The appropriation in this section is provided solely to remove a fish barrier and restore habitat on Goldsborough creek. Each dollar expended from this appropriation shall be matched by at least three dollars from other sources for the same purpose.

Appropriation:

State Building Construction Account—State	\$	1,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,100,000

NEW SECTION. Sec. 370. FOR THE DEPARTMENT OF NATURAL RESOURCES

Agricultural Asset Preservation and Emergency Repairs (00-1-001)

Appropriation:

Resources Management Cost Account—State	\$	125,000
Prior Biennia (Expenditures)	\$	100,000
Future Biennia (Projected Costs)	\$	1,080,000
TOTAL	\$	1,305,000

NEW SECTION. Sec. 371. FOR THE DEPARTMENT OF NATURAL RESOURCES

Repairs, Maintenance and Tenant Improvements (00-1-002)

Appropriation:

Resources Management Cost Account—State	\$	677,000
Prior Biennia (Expenditures)	\$	893,900
Future Biennia (Projected Costs)	\$	3,065,000
TOTAL	\$	4,635,900

NEW SECTION. Sec. 372. FOR THE DEPARTMENT OF NATURAL RESOURCES

Communication Site Repair Program (00-1-003)

Appropriation:

Forest Development Account—State	\$	50,000
Resources Management Cost Account—State	\$	40,000
Subtotal Appropriation	\$	90,000
Prior Biennia (Expenditures)	\$	150,000
Future Biennia (Projected Costs)	\$	964,000
TOTAL	\$	1,204,000

NEW SECTION. Sec. 373. FOR THE DEPARTMENT OF NATURAL RESOURCES

Small Timber Landowner Program (00-5-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely to purchase or lease riparian and other sensitive aquatic areas from willing owners of small parcels of forest land.

(2) If federal grants for salmon recovery efforts are equal to or less than \$50,000,000 during the 1999-2001 fiscal biennium, then \$5,000,000 of the appropriation in this section may be expended. If federal grants for salmon recovery efforts during the 1999-2001 biennium exceed \$50,000,000, then the entire appropriation in this section may be expended.

Appropriation:

General Fund—Federal	\$	10,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	10,000,000

NEW SECTION. Sec. 374. FOR THE DEPARTMENT OF NATURAL RESOURCES

Underground Storage Tank Removal and Upgrade (00-1-005)

Appropriation:

Forest Development Account—State	\$	10,800
Resources Management Cost Account—State	\$	30,000
State Building Construction Account—State	\$	19,200
Subtotal Appropriation	\$	60,000
Prior Biennia (Expenditures)	\$	193,120
Future Biennia (Projected Costs)	\$	61,200
TOTAL	\$	314,320

NEW SECTION. Sec. 375. FOR THE DEPARTMENT OF NATURAL RESOURCES

State-wide Emergency Repairs (00-1-006)

Appropriation:

Forest Development Account—State	\$	18,000
Resources Management Cost Account—State	\$	50,000
State Building Construction Account—State	\$	32,000
Subtotal Appropriation	\$	100,000
Prior Biennia (Expenditures)	\$	98,000
Future Biennia (Projected Costs)	\$	400,000
TOTAL	\$	598,000

NEW SECTION. Sec. 376. FOR THE DEPARTMENT OF NATURAL RESOURCES

Americans with Disabilities Act Compliance (00-1-009)

Appropriation:

Forest Development Account—State	\$	18,000
Resources Management Cost Account—State	\$	50,000
State Building Construction Account—State	\$	32,000
Subtotal Appropriation	\$	100,000
Prior Biennia (Expenditures)	\$	34,000
Future Biennia (Projected Costs)	\$	272,000
TOTAL	\$	406,000

NEW SECTION. Sec. 377. FOR THE DEPARTMENT OF NATURAL RESOURCES

Hazardous Material and Waste Removal (00-1-010)

Appropriation:

Forest Development Account—State	\$	34,000
Resources Management Cost Account—State	\$	50,000
State Building Construction Account—State	\$	16,000
Subtotal Appropriation	\$	100,000
Prior Biennia (Expenditures)	\$	160,800
Future Biennia (Projected Costs)	\$	336,000
TOTAL	\$	596,800

NEW SECTION. Sec. 378. FOR THE DEPARTMENT OF NATURAL RESOURCES

NAP/NRCA Management and Emergency Repairs (00-1-011)

Appropriation:

State Building Construction Account—State	\$	400,000
Prior Biennia (Expenditures)	\$	710,500
Future Biennia (Projected Costs)	\$	1,600,000
TOTAL	\$	2,710,500

NEW SECTION. Sec. 379. FOR THE DEPARTMENT OF NATURAL RESOURCES

NRCA Management Plan Implementation (00-1-012)

Appropriation:

State Building Construction Account—State	\$	450,000
Prior Biennia (Expenditures)	\$	400,000
Future Biennia (Projected Costs)	\$	1,800,000
TOTAL	\$	2,650,000

NEW SECTION. Sec. 380. FOR THE DEPARTMENT OF NATURAL RESOURCES

Emergency Repairs: Recreation sites (00-1-015)

Appropriation:

State Building Construction Account—State	\$	150,000
Prior Biennia (Expenditures)	\$	154,200
Future Biennia (Projected Costs)	\$	600,000
TOTAL	\$	904,200

NEW SECTION. Sec. 381. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation Health and Safety (00-1-016)

Appropriation:

State Building Construction Account—State	\$	300,000
Prior Biennia (Expenditures)	\$	578,900
Future Biennia (Projected Costs)	\$	1,200,000
TOTAL	\$	2,078,900

NEW SECTION. Sec. 382. FOR THE DEPARTMENT OF NATURAL RESOURCES

Americans with Disabilities Act: Recreation site improvements (00-1-017)

Appropriation:

State Building Construction Account—State	\$	100,000
Prior Biennia (Expenditures)	\$	968,100
Future Biennia (Projected Costs)	\$	1,200,000
TOTAL	\$	2,268,100

NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF NATURAL RESOURCES

Administrative Site Preservation (00-1-018)

Appropriation:

Forest Development Account—State	\$	203,580
Resources Management Cost Account—State	\$	565,500
State Building Construction Account—State	\$	361,920
Subtotal Appropriation	\$	1,131,000
Prior Biennia (Expenditures)	\$	938,000
Future Biennia (Projected Costs)	\$	5,118,000
TOTAL	\$	7,187,000

NEW SECTION. Sec. 384. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer (00-2-001)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring real property of equal value to be managed as common school trust land.

(3) Property subject to easement agreements under this section shall be appraised at fair market value both with and without the imposition of the easement. The entire difference in appraised value shall be deposited by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list in subsection (8) of this section if, based on new, substantive information, it is determined that transfer of the property is not in the state-wide interest of either the common school trust or the receiving agency.

(8) The appropriation in this section is provided to execute transfers or easements for the list of properties identified in LEAP capital document No. 99-3, as developed on April 8, 1999, as follows: Projects in category A shall be transferred; to the extent that local funding is provided for the land value of the property, projects in category B shall be transferred; and projects in category C and remaining projects in category B may be transferred or leased as funding allows.

(9) The department shall execute trust land transfers and easements such that 90 percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 90:10 ratio, the department may offset transfers of property with low timber-to-land ratios with easements on other properties.

(10) On June 30, 2001, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

Appropriation:

Natural Resources Real Property Replacement—	
State	\$ 6,200,000
State Building Construction Account—State	\$ 66,000,000
Subtotal Appropriation	\$ 72,200,000
Prior Biennia (Expenditures)	\$ 34,500,000
Future Biennia (Projected Costs)	\$ 220,000,000
TOTAL	\$ 326,700,000

NEW SECTION, Sec. 385. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Resources Real Property Replacement (00-2-002)

Appropriation:

Natural Resources Real Property Replacement—	
State	\$ 8,000,000
Prior Biennia (Expenditures)	\$ 12,400,000
Future Biennia (Projected Costs)	\$ 48,000,000
TOTAL	\$ 68,400,000

NEW SECTION, Sec. 386. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Bank (00-2-003)

Appropriation:

Resources Management Cost Account—State	\$ 2,000,000
Prior Biennia (Expenditures)	\$ 1,800,000
Future Biennia (Projected Costs)	\$ 8,000,000
TOTAL	\$ 11,800,000

NEW SECTION. Sec. 387. FOR THE DEPARTMENT OF NATURAL RESOURCES

Community and Technical College Trust Land Acquisition (00-2-004)

Appropriation:

Community and Technical College Forest Reserve

Account—State	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

NEW SECTION. Sec. 388. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right-of-Way Acquisition (00-2-005)

Appropriation:

Forest Development Account—State	\$	387,000
Resources Management Cost Account—State	\$	650,000
Subtotal Appropriation	\$	1,037,000
Prior Biennia (Expenditures)	\$	1,392,000
Future Biennia (Projected Costs)	\$	6,000,000
TOTAL	\$	8,429,000

NEW SECTION. Sec. 389. FOR THE DEPARTMENT OF NATURAL RESOURCES

Jobs for the Environment (00-2-009)

The reappropriation in this section is provided solely for projects under contract on or before June 30, 1999. Reappropriated funds not committed to contracted projects shall lapse on June 30, 1999.

Reappropriation:

Water Quality Account—State	\$	2,800,000
Prior Biennia (Expenditures)	\$	9,133,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	11,933,000

NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works: Program (00-2-011)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Forest Development Account—State	\$	136,600
Resources Management Cost Account—State	\$	379,500
State Building Construction Account—State	\$	242,900

Subtotal Appropriation	\$	759,000
Prior Biennia (Expenditures)	\$	609,000
Future Biennia (Projected Costs)	\$	5,580,000
TOTAL	\$	6,948,000

NEW SECTION. Sec. 391. FOR THE DEPARTMENT OF NATURAL RESOURCES

Mineral Resource Testing (00-2-012)

Appropriation:

Forest Development Account—State	\$	18,000
Prior Biennia (Expenditures)	\$	28,000
Future Biennia (Projected Costs)	\$	175,000
TOTAL	\$	221,000

NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF NATURAL RESOURCES

Commercial Development - Local Improvement Districts (00-2-013)

Appropriation:

Resources Management Cost Account—State	\$	90,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	451,000
TOTAL	\$	741,000

NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic Lands Enhancement Grants (00-2-014)

The appropriation in this section is provided for a list of projects in LEAP capital document No. 99-2, as developed on April 8, 1999.

The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2001-03 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2000.

Reappropriation:

Aquatic Lands Enhancement Account—State	\$	2,340,000
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Appropriation:

Aquatic Lands Enhancement Account—State	\$	5,800,000
Prior Biennia (Expenditures)	\$	9,716,817
Future Biennia (Projected Costs)	\$	24,000,000

TOTAL	\$	41,856,817
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NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF NATURAL RESOURCES

Mobile Radio System Upgrade (00-2-017)

Appropriation:

Forest Development Account—State	\$	106,300
Resources Management Cost Account—State	\$	177,200
State Building Construction Account—State	\$	500,000
Subtotal Appropriation	\$	783,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,623,500
TOTAL	\$	3,407,000

NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF NATURAL RESOURCES

Compound: Utilization study (00-2-019)

Appropriation:

Forest Development Account—State	\$	27,000
Resources Management Cost Account—State	\$	75,000
State Building Construction Account—State	\$	48,000
Subtotal Appropriation	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	150,000

NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy and Wetlands Conservation Grants (00-2-020)

Reappropriation:

General Fund—Federal	\$	2,366,500
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Appropriation:

General Fund—Federal	\$	6,340,000
Prior Biennia (Expenditures)	\$	1,756,820
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	10,463,320

**PART 4
TRANSPORTATION**

**NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL
Fire Training Academy: Minor works (00-1-005)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	110,000
Prior Biennia (Expenditures)	\$	320,000
Future Biennia (Projected Costs)	\$	<u>6,900,000</u>
TOTAL	\$	7,330,000

**NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL
Seattle Crime Laboratory (00-2-008)**

The appropriation in this section shall not be expended until the documents described in the capital project review requirements process and procedures prescribed by the office of financial management have been complied with under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	900,000
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Appropriation:

County Criminal Justice Assistance		
Account—State	\$	650,000
Municipal Criminal Justice Assistance		
Account—State	\$	250,000
State Building Construction Account—State	\$	<u>9,100,000</u>
Subtotal Appropriation	\$	10,000,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	11,100,000

**NEW SECTION. Sec. 503. FOR THE WASHINGTON STATE PATROL
Boarding Home Fire Safety Program**

The appropriation in this section is provided solely for grants for the installation or retrofit of fire sprinklers in adult boarding homes. The appropriation in this section is subject to the following conditions and limitations:

- (1) The state fire marshal in consultation with the department of social and health services may develop rules to implement the grant program.
- (2) The amount of the grant for an existing adult boarding home shall not be greater than the difference between the cost of retrofitting and the cost of installing sprinklers during original construction of a comparable adult boarding home with fire sprinklers.
- (3) To be eligible for a grant under this section, the adult group home shall be licensed and accredited with the department of social and health services. To be eligible for a grant under this section, at least fifteen percent of the adult group home's residents must be department of social and health services clients. The adult group home must maintain the department of social and health services client ratio level for a period of no less than five years. If the department of social and

health services client ratio level is not maintained, then the adult group home shall reimburse the state for the amount of the grant plus appropriate interest.

(4) Any home receiving a grant shall complete the installation of the fire sprinklers by June 30, 2001.

Appropriation:

State Building Construction Account—State	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,500,000

**NEW SECTION. Sec. 504. FOR THE WASHINGTON STATE PATROL
Fire Training Academy: Water systems upgrades (00-2-009)**

Appropriation:

State Building Construction Account—State	\$	1,845,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	500,000
TOTAL	\$	2,345,000

**PART 5
EDUCATION**

**NEW SECTION. Sec. 601. FOR THE HIGHER EDUCATION
COORDINATING BOARD**

North Snohomish, Island, Skagit Consortium Development (00-2-001)

Appropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

**NEW SECTION. Sec. 602. FOR THE HIGHER EDUCATION
COORDINATING BOARD**

Facility Assessment and Space Utilization: Study (00-2-002)

Appropriation:

State Building Construction Account—State	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	200,000

**NEW SECTION. Sec. 603. FOR THE STATE BOARD OF EDUCA-
TION**

Common School Construction: Quality and value improvements (00-2-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,800,000 of this appropriation is provided to implement chapter . . . (House Bill No. 1831), Laws of 1999. If the bill is not enacted by June 30, 1999, this appropriation shall lapse.

(2) \$200,000 from this appropriation is provided to fund two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(3) On an annual basis, the state board shall report to the fiscal committees of the legislature and the office of financial management with a summary of the results of the value engineering studies and constructability reviews, and an evaluation of the use of building commissioning construction management services and fire marshal reviews.

Appropriation:

Common School Construction Account—State	\$	10,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	40,000,000
TOTAL	\$	50,000,000

NEW SECTION. Sec. 604. FOR THE STATE BOARD OF EDUCATION

Public School Building Construction (98-2-001)(00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$6,491,519 of the new appropriation provided in this section may be provided for emergency repairs.

(a) Prior to the distribution of funds authorized by this subsection, the state board shall develop rules for school district eligibility to receive emergency grants and requirements for repayment of recovered costs. It is intended that these funds be provided to school districts only for emergency repairs due to accidents, natural disasters, fire, floods, vandalism, or similar events and only after all avenues of local funding have been exhausted.

(b) The state board shall report to the fiscal committees of the legislature and the office of financial management the amount and purpose of each grant provided to school districts.

(c) Any recoveries by the districts from insurance, litigation, or other sources for repairs and improvements funded from this appropriation shall be returned to the state in proportion to the state assistance as a share of total project cost.

(2) Total cash disbursed from the common school construction account may not exceed the available cash balance.

Reappropriation:

State Building Construction Account—State	\$	1,993,556
Common School Construction Account—State	\$	112,424,633

Subtotal Reappropriation	\$	114,418,189
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Appropriation:

Common School Construction Account—State	\$	315,081,000
Prior Biennia (Expenditures)	\$	607,956,559
Future Biennia (Projected Costs)	\$	1,390,582,000
TOTAL	\$	2,428,037,748

NEW SECTION. Sec. 605. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Program Management (98-1-001)

Funding is provided for five FTE regional coordinators. The coordinators shall have direct construction or architectural training and experience and be strategically located across the state. The coordinators shall assist local school districts with: State board of education rules relating to school construction and modernization projects, building condition analysis, development of state studies and surveys, architect/engineer and construction manager selection, value engineering, and constructability reviews during design, building commissioning, construction administration, maintenance issues, and data verification to allow equitable administration of the state board priority system.

Appropriation:

Common School Construction Account—State	\$	1,619,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	7,644,000
TOTAL	\$	9,263,000

NEW SECTION. Sec. 606. FOR THE STATE SCHOOL FOR THE BLIND

Irwin Building, HVAC: Upgrade (00-1-001)

Appropriation:

State Building Construction Account—State	\$	1,098,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	300,000
TOTAL	\$	1,398,500

NEW SECTION. Sec. 607. FOR THE STATE SCHOOL FOR THE BLIND

Old Main and Alhsten Buildings, HVAC: Upgrade (00-1-002)

Appropriation:

State Building Construction Account—State	\$	1,915,160
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	500,000
TOTAL	\$	2,415,160

NEW SECTION. Sec. 608. FOR THE STATE SCHOOL FOR THE BLIND

Minor Works: Preservation (00-1-003)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	5,500,000
TOTAL	\$	6,100,000

NEW SECTION. Sec. 609. FOR THE STATE SCHOOL FOR THE BLIND

Multi-Purpose Center

Appropriation:

State Building Construction Account—State	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	300,000

NEW SECTION. Sec. 610. FOR THE STATE SCHOOL FOR THE DEAF

Northrup Elementary School, HVAC: Upgrade (00-1-002)

Appropriation:

State Building Construction Account—State	\$	900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	900,000

NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE DEAF

Epperson Middle School, HVAC: Upgrade (00-1-003)

Appropriation:

State Building Construction Account—State	\$	900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	900,000

NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE DEAF

Minor Works: Preservation (00-1-004)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>4,850,000</u>
TOTAL	\$	5,350,000

NEW SECTION. Sec. 613. FOR THE STATE SCHOOL FOR THE DEAF

Clark Hall, HVAC: Upgrade (00-1-006)

Appropriation:

State Building Construction Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>1,275,000</u>
TOTAL	\$	1,775,000

NEW SECTION. Sec. 614. FOR THE STATE SCHOOL FOR THE DEAF

Campus Master Plan - Phase II Tech Ed/Student Commons (00-2-001)

Appropriation:

State Building Construction Account—State	\$	540,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>3,385,000</u>
TOTAL	\$	3,925,000

NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE DEAF

Campus Wide: Seismic stabilization (02-1-008)

Appropriation:

State Building Construction Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>500,000</u>
TOTAL	\$	1,000,000

NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON

Minor Works: Various infrastructure upgrades (00-1-001)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	1,837,160
University of Washington Building Account—		

State	\$	8,950,000
Subtotal Appropriation	\$	10,787,160
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	52,100,000
TOTAL	\$	62,887,160

NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell Campus and Cascadia Community College: Future Phases (00-2-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase 1 of the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 639, 640, 769, and 823 of this act and shall be managed by the department of general administration.

(5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total state contribution for all costs including design, construction and equipping of phase IIA of the campus.

(6) Phase IIA shall accommodate 1,000 additional FTE students when completed.

Appropriation:

State Building Construction Account—State	\$	50,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	105,000,000
TOTAL	\$	155,100,000

NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma - Branch Campus Phase IIA: To construct phase IIA and provide parking for 600 vehicles (00-2-017)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board

and the project design, scope, and schedule approved by the office of financial management.

(2) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) Phase IIA shall accommodate and additional 600 FTE students upon completion of new construction and renovated spaces. The appropriation in this section includes all costs for completion of this phase, including equipment, parking, and site improvements.

Reappropriation:

State Building Construction Account—State \$ 1,450,000

Appropriation:

State Building Construction Account—State \$ 36,420,000

Prior Biennia (Expenditures) \$ 2,000,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 39,870,000

NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON

Electrical Engineering and Computer Science Engineering Building (90-2-013)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State \$ 7,300,000

Prior Biennia (Expenditures) \$ 88,491,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 95,791,000

NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON

Old Physics Hall: (Mary Gates hall) design and construction (92-2-008)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State \$ 12,000,000

Prior Biennia (Expenditures) \$ 19,407,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 31,407,000

NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON

Minor Repairs: Preservation (94-1-003)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	8,000,000
Prior Biennia (Expenditures)	\$	2,985,199
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	10,985,199

NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON

Suzzallo library renovation—Phase I design and construction: To design the phase I remodeling of the 1925, 1935, and 1963 building and additions to address structural, mechanical, electrical, and life safety deficiencies (94-1-015)

Reappropriation:

State Building Construction Account—State	\$	320,000
University of Washington Building Account— State	\$	270,000
Subtotal Reappropriation	\$	590,000

Appropriation:

State Building Construction Account—State	\$	39,306,000
Prior Biennia (Expenditures)	\$	8,863,833
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	48,759,833

NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON

Harborview Research and Training Facility: Construction (94-2-013)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriations in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.
- (2) The reappropriations in this section are provided solely for the completion of construction of this facility. The reappropriations represents the total state contribution for all costs including design, construction and equipping this facility.
- (3) The reappropriation from the state building construction account may be expended before the higher education construction account moneys.

Reappropriation:

Higher Education Construction Account—State	\$	3,000,000
State Building Construction Account—State	\$	14,200,000
Subtotal Reappropriation	\$	17,200,000
Prior Biennia (Expenditures)	\$	61,561,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	78,761,000
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NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON

New Law School Building (94-2-017)

The appropriations in this section are subject to the following condition and limitation: The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

University of Washington Building Account—

State	\$	68,000
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Appropriation:

Higher Education Construction

Account—State	\$	44,801,500
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Higher Education Nonproprietary Local Capital

Account—Private/Local	\$	24,186,000
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Subtotal Appropriation	\$	68,987,500
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Prior Biennia (Expenditures)	\$	1,200,000
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	70,255,500
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NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON

Tacoma Branch Campus: To complete phase IB, conduct predesign of phase II, design of phase II, to acquire property, and to remediate unknown site conditions (94-2-500)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The predesign for phase II to serve at least 1,200 additional student full-time equivalents shall be conducted in accordance with the predesign manual published by the office of financial management. Design of phase IIA to serve at least 600 student full-time equivalents shall not proceed until the completed predesign requirements have been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	17,900,000
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Prior Biennia (Expenditures)	\$	34,692,087
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Future Biennia (Projected Costs)	\$	0
TOTAL	\$	52,592,087

NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON

Minor Works: Utility infrastructure (96-1-004)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	445,000
Prior Biennia (Expenditures)	\$	5,455,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,900,000

NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center BB Tower Elevators (96-1-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The appropriation represents the total state contribution for all costs including design, construction, and equipping this facility.

Reappropriation:

State Building Construction Account—State	\$	310,000
University of Washington Building Account—		
State	\$	93,100
Subtotal Reappropriation	\$	403,100

Appropriation:

State Building Construction Account—State	\$	6,182,586
Prior Biennia (Expenditures)	\$	699,499
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,285,185

NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences Center D-Wing Dental Student Laboratory: Design and construction (96-1-016)

Reappropriation:

State Building Construction Account—State	\$	447,000
Prior Biennia (Expenditures)	\$	2,570,100
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 3,017,100

NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON

Fisheries Science - Oceanography Science Buildings (96-2-006)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The reappropriations represent the total state contribution for all costs including design, construction, and equipping this facility.

Reappropriation:

State Building Construction Account—State	\$	12,507,000
Prior Biennia (Expenditures)	\$	67,787,751
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	80,294,751

NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON

Social Work Third Floor Addition (96-2-010)

Reappropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	2,415,600
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,415,600

NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON

West Electrical Power Station (96-2-011)

Reappropriation:

State Building Construction Account—State	\$	550,000
Prior Biennia (Expenditures)	\$	6,254,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,804,000

NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON

Power Plant Boiler 7 (96-2-020)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	6,250,000
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Prior Biennia (Expenditures)	\$	3,662,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	9,912,000

NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON

Southwest Campus Utilities Phase I (96-2-027)

Reappropriation:

State Building Construction Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	8,809,500
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	9,309,500

NEW SECTION. Sec. 634. FOR THE UNIVERSITY OF WASHINGTON

Minor Works: Safety (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	2,500,000
Prior Biennia (Expenditures)	\$	1,200,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	3,700,000

NEW SECTION. Sec. 635. FOR THE UNIVERSITY OF WASHINGTON

Minor Works: Preservation (98-1-002)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

University of Washington Building Account—		
State	\$	3,400,000
Prior Biennia (Expenditures)	\$	1,946,075
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	5,346,075

NEW SECTION. Sec. 636. FOR THE UNIVERSITY OF WASHINGTON

Utility and Data Communications Projects: Preservation (98-1-004)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	2,100,000
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Prior Biennia (Expenditures)	\$	900,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

NEW SECTION. Sec. 637. FOR THE UNIVERSITY OF WASHINGTON

Minor Works: Program (98-2-003)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

University of Washington Building Account—		
State	\$	1,900,000
Prior Biennia (Expenditures)	\$	100,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,000,000

NEW SECTION. Sec. 638. FOR THE UNIVERSITY OF WASHINGTON

Building Communication: Upgrade (98-2-009)

Reappropriation:

University of Washington Building Account—		
State	\$	1,000,000
Prior Biennia (Expenditures)	\$	2,000,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

NEW SECTION. Sec. 639. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell and Cascadia Community College Phase I (98-2-899)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, 639, 768, and 821 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

State Building Construction Account—State	\$	40,000,000
Prior Biennia (Expenditures)	\$	7,970,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	47,970,000

NEW SECTION. Sec. 640. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell and Cascadia Community College Future Phases (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, 638, 768, and 821 of this act and shall be managed by the department of general administration.

(4) The predesign for phase II to serve at least 2,000 additional University of Washington and community college student full-time equivalents included in this reappropriation shall be conducted in accordance with the predesign manual published by the office of financial management.

(5) Design of phase IIA to serve at least 1,000 total University of Washington and Cascadia Community College student full-time equivalents shall not proceed until the completed predesign requirements in subsection (4) of this section have been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	2,069,063
Prior Biennia (Expenditures)	\$	930,937
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	3,000,000

NEW SECTION. Sec. 641. FOR THE UNIVERSITY OF WASHINGTON

Nuclear Reactor: Decommissioning (99-2-009)

Reappropriation:

State Building Construction Account—State	\$	750,000
Prior Biennia (Expenditures)	\$	450,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	1,200,000

NEW SECTION. Sec. 642. FOR THE UNIVERSITY OF WASHINGTON

Tacoma Branch Campus: Phase III predesign (00-2-021)

Appropriation:

State Building Construction Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>55,000,000</u>
TOTAL	\$	55,500,000

NEW SECTION. Sec. 643. FOR THE UNIVERSITY OF WASHINGTON

University of Washington Medical Center: Improvements

Appropriation:

Higher Education Construction Account—State	\$	80,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	80,000,000

NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY
 Minor Works: Safety and environmental (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>8,000,000</u>
TOTAL	\$	10,000,000

NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY
 Minor Works: Preservation (00-1-004)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	1,130,000
Washington State University Building Account—		
State	\$	<u>4,870,000</u>
Subtotal Appropriation	\$	6,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>24,000,000</u>
TOTAL	\$	30,000,000

NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY

Child Care Facility - Human Development Lab, Infant Care (00-1-039)

Appropriation:

Washington State University Building Account—	
State	\$ 3,100,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 3,100,000

**NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY
Scholars Hall - White Hall: Renovation (00-1-078)**

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account—State	
\$	5,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 5,000,000

**NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY
Minor Works - Branch Campus: Preservation (00-1-901)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Washington State University Building Account—	
State	\$ 1,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 4,000,000
TOTAL	\$ 5,000,000

**NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY
Minor Works: Program (00-2-002)**

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Washington State University Building Account—	
State	\$ 5,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 28,000,000
TOTAL	\$ 33,000,000

**NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY
Major Equipment: Acquisition (00-2-003)**

Appropriation:

Washington State University Building Account—	
State	\$ 3,500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 16,000,000
TOTAL	\$ 19,500,000

**NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY
Animal Disease Biotechnology Facility: Equipment (00-2-067)**

Appropriation:

Washington State University Building Account—	
State	\$ 1,200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 6,200,000
TOTAL	\$ 7,400,000

**NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY
Museum of Art Building (00-2-071)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

Washington State University Building Account—	
State	\$ 125,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 14,100,000
TOTAL	\$ 14,225,000

**NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY
Shock Physics Building (00-2-080)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

State Building Construction Account—State	\$ 1,760,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 10,400,000
TOTAL	\$ 12,160,000

**NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY
WSU Vancouver - Engineering/Life Science Building (00-2-904)**

The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

Appropriation:

State Building Construction Account—State	\$	27,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	27,000,000

**NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY
WSU Vancouver - New Academic Building D (00-2-905)**

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000. The project shall serve at least 1,200 additional student full-time equivalents on the Vancouver campus.

Appropriation:

State Building Construction Account—State	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	29,700,000
TOTAL	\$	29,950,000

**NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY
WSU Spokane - Study of Future Campus Development (00-2-906)**

To conduct a study of future campus developments, including alternatives regarding the size and timing of future building construction.

Appropriation:

State Building Construction Account—State	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	44,000,000
TOTAL	\$	44,250,000

**NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY
Plant Biotech - Johnson Hall**

Appropriation:

Washington State University Building Account—State	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	37,500,000
TOTAL	\$	37,800,000

NEW SECTION. Sec. 658. FOR WASHINGTON STATE UNIVERSITY
 Hazardous, Pathological, and Radioactive Waste Handling Facilities (92-1-019)

Reappropriation:

State Building Construction Account—State	\$	632,221
Prior Biennia (Expenditures)	\$	710,779
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,343,000

NEW SECTION. Sec. 659. FOR WASHINGTON STATE UNIVERSITY
 Todd Hall Renovation (92-1-021)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	100,918
Washington State University Building Account—State	\$	168,909
Subtotal Reappropriation	\$	269,827
Prior Biennia (Expenditures)	\$	14,343,680
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	14,613,507

NEW SECTION. Sec. 660. FOR WASHINGTON STATE UNIVERSITY
 Veterinary Teaching Hospital: Construction (92-2-013)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Washington State University Building Account— State	\$	300,173
Prior Biennia (Expenditures)	\$	14,420,827
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	14,721,000

NEW SECTION. Sec. 661. FOR WASHINGTON STATE UNIVERSITY
 Fulmer Hall: Fulmer annex renovation (92-2-023)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	97,138
Prior Biennia (Expenditures)	\$	11,521,329
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 11,618,467

**NEW SECTION. Sec. 662. FOR WASHINGTON STATE UNIVERSITY
Bohler Gym Renovation: Construction (94-1-010)**

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	12,500,000
Washington State University Building		
Account—State	\$	<u>297,925</u>
Subtotal Reappropriation	\$	12,797,925
Prior Biennia (Expenditures)	\$	6,215,375
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	19,013,300

**NEW SECTION. Sec. 663. FOR WASHINGTON STATE UNIVERSITY
Thompson Hall Renovation: Construction (94-1-024)**

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	6,500,000
Washington State University Building		
Account—State	\$	<u>101,325</u>
Subtotal Reappropriation	\$	6,601,325
Prior Biennia (Expenditures)	\$	5,095,075
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	11,696,400

**NEW SECTION. Sec. 664. FOR WASHINGTON STATE UNIVERSITY
Infrastructure Project: Savings (94-1-999)**

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

State Building Construction Account—State	\$	212,474
Prior Biennia (Expenditures)	\$	376,662
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	589,136

**NEW SECTION. Sec. 665. FOR WASHINGTON STATE UNIVERSITY
Hazardous Waste Facilities: Construction (94-2-006)**

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Washington State University Building Account—State	\$	822,722
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Appropriation:

Washington State University Building Account—State	\$	3,000,000
Prior Biennia (Expenditures)	\$	888,278
Future Biennia (Projected Costs)	\$	9,000,000
TOTAL	\$	13,711,000

**NEW SECTION. Sec. 666. FOR WASHINGTON STATE UNIVERSITY
Pathological and Biomedical Incinerator: Design and construction (94-2-012)**

Reappropriation:

State Building Construction Account—State	\$	2,042,690
Prior Biennia (Expenditures)	\$	1,400,310
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,443,000

**NEW SECTION. Sec. 667. FOR WASHINGTON STATE UNIVERSITY
Engineering Teaching and Research Laboratory Building: Construction (94-2-014)**

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	128,797
Prior Biennia (Expenditures)	\$	17,011,503
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	17,140,300

**NEW SECTION. Sec. 668. FOR WASHINGTON STATE UNIVERSITY
Chemical Waste Collection Facilities: Design and construction (94-2-016)**

Reappropriation:

Washington State University Building Account—State	\$	112,999
Prior Biennia (Expenditures)	\$	887,001
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

**NEW SECTION. Sec. 669. FOR WASHINGTON STATE UNIVERSITY
Bohler Gym: Addition (94-2-017)**

Reappropriation:

Washington State University Building Account—	
State	\$ 364,708
Prior Biennia (Expenditures)	\$ 10,319,108
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 10,683,816

**NEW SECTION. Sec. 670. FOR WASHINGTON STATE UNIVERSITY
Kimbrough Hall Addition and Remodeling (94-2-019)**

The reappropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$ 5,295,806
Washington State University Building Account—State	\$ 121,875
Subtotal Reappropriation	\$ 5,417,681
Prior Biennia (Expenditures)	\$ 6,315,319
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 11,733,000

**NEW SECTION. Sec. 671. FOR WASHINGTON STATE UNIVERSITY
WSU Vancouver: Campus construction (94-2-902)**

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

Reappropriation:

State Building Construction Account—State	\$ 1,000,000
Prior Biennia (Expenditures)	\$ 37,722,462
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 38,722,462

**NEW SECTION. Sec. 672. FOR WASHINGTON STATE UNIVERSITY
Plant Growth: Wheat research center (96-2-047)**

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act and shall not be expended until the university has received the federal money or an equivalent amount from other sources.

Reappropriation:

State Building Construction Account—State	\$ 608,518
Prior Biennia (Expenditures)	\$ 3,391,482
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$	4,000,000
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**NEW SECTION. Sec. 673. FOR WASHINGTON STATE UNIVERSITY
Minor Works: Preservation (98-1-004)**

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Washington State University Building		
Account—State	\$	2,985,280
Prior Biennia (Expenditures)	\$	2,067,720
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,053,000

**NEW SECTION. Sec. 674. FOR WASHINGTON STATE UNIVERSITY
Campus Infrastructure and Road Improvements (98-1-073)**

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	3,493,480
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Appropriation:

Washington State University Building		
Account—State	\$	4,000,000
Prior Biennia (Expenditures)	\$	4,798,520
Future Biennia (Projected Costs)	\$	12,000,000
TOTAL	\$	24,292,000

**NEW SECTION. Sec. 675. FOR WASHINGTON STATE UNIVERSITY
WSU Spokane - Minor Works: Program (98-1-821)**

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	36,815
Prior Biennia (Expenditures)	\$	25,885
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	62,700

**NEW SECTION. Sec. 676. FOR WASHINGTON STATE UNIVERSITY
Americans with Disabilities Act Pool Account (98-1-993)**

Reappropriation:

State Building Construction Account—State	\$	140,159
Prior Biennia (Expenditures)	\$	3,900
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 144,059

NEW SECTION. Sec. 677. FOR WASHINGTON STATE UNIVERSITY

Minor Works: Safety and environmental (98-2-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	958,129
Washington State University Building		
Account—State	\$	<u>1,749,586</u>
Subtotal Reappropriation	\$	2,707,715
Prior Biennia (Expenditures)	\$	700,085
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	3,407,800

NEW SECTION. Sec. 678. FOR WASHINGTON STATE UNIVERSITY

Minor Works: Program (98-2-002)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Washington State University Building		
Account—State	\$	4,179,248
Prior Biennia (Expenditures)	\$	1,820,752
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	6,000,000

NEW SECTION. Sec. 679. FOR WASHINGTON STATE UNIVERSITY

Major Equipment: Acquisition (98-2-003)

Reappropriation:

State Building Construction Account—State	\$	371,310
Washington State University Building		
Account—State	\$	<u>800,000</u>
Subtotal Reappropriation	\$	1,171,310
Prior Biennia (Expenditures)	\$	3,828,690
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	5,000,000

NEW SECTION. Sec. 680. FOR WASHINGTON STATE UNIVERSITY

Murrow Hall: Renovation and addition (98-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

Washington State University Building	
Account—State	\$ 23,645

Appropriation:

State Building Construction Account—State	\$ 1,650,000
Prior Biennia (Expenditures)	81,355
Future Biennia (Projected Costs)	\$ 10,100,000
TOTAL	\$ 11,855,000

**NEW SECTION. Sec. 681. FOR WASHINGTON STATE UNIVERSITY
Cleveland Hall: Renovation and addition (98-2-032)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

Washington State University Building	
Account—State	\$ 37,493

Appropriation:

State Building Construction Account—State	\$ 1,400,000
Prior Biennia (Expenditures)	102,507
Future Biennia (Projected Costs)	\$ 9,400,000
TOTAL	\$ 10,940,000

**NEW SECTION. Sec. 682. FOR WASHINGTON STATE UNIVERSITY
South Campus Electrical Services: Design and construction (98-2-044)**

Reappropriation:

State Building Construction Account—State	\$ 313,486
Prior Biennia (Expenditures)	2,586,514
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 2,900,000

**NEW SECTION. Sec. 683. FOR WASHINGTON STATE UNIVERSITY
Teaching and Learning Center: Design and construction (98-2-062)**

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$ 1,194,073
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Washington State University Building	
Account—State	\$ 611,094
Subtotal Reappropriation	\$ 1,805,167

Appropriation:

State Building Construction Account—State	\$ 28,900,000
Prior Biennia (Expenditures)	\$ 869,333
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 31,574,500

NEW SECTION, Sec. 684. FOR WASHINGTON STATE UNIVERSITY

Apparel, Merchandise, and Interior Design and Landscape Architecture Building (98-2-072)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

Washington State University Building Account—	
State	\$ 20,527

Appropriation:

State Building Construction Account—State	\$ 2,780,000
Prior Biennia (Expenditures)	\$ 77,473
Future Biennia (Projected Costs)	\$ 26,400,000
TOTAL	\$ 29,278,000

NEW SECTION, Sec. 685. FOR WASHINGTON STATE UNIVERSITY

WSUnet: Infrastructure (98-2-074)

Reappropriation:

Washington State University Building	
Account—State	\$ 750,000

Appropriation:

Washington State University Building	
Account—State	\$ 3,000,000
Prior Biennia (Expenditures)	\$ 3,325,000
Future Biennia (Projected Costs)	\$ 12,000,000
TOTAL	\$ 19,075,000

NEW SECTION, Sec. 686. FOR WASHINGTON STATE UNIVERSITY

WSU Spokane - Health Sciences Building (98-2-903)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(2) No money from the reappropriation may be expended in a manner that is inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(3) Design and construction of this building shall accommodate at least 240 additional full-time equivalent students on the Riverpoint campus.

Reappropriation:

State Building Construction Account—State	\$	1,871,010
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Appropriation:

Higher Education Construction Account—State	\$	36,300,000
Prior Biennia (Expenditures)	\$	814,365
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	38,985,375

**NEW SECTION. Sec. 687. FOR WASHINGTON STATE UNIVERSITY
WSU Tri-Cities - Science Education Center (98-2-905)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	4,954
Prior Biennia (Expenditures)	\$	135,046
Future Biennia (Projected Costs)	\$	22,500,000
TOTAL	\$	22,640,000

**NEW SECTION. Sec. 688. FOR WASHINGTON STATE UNIVERSITY
WSU Vancouver: Phase II (98-2-911)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) This reappropriation includes the design phase of the engineering/life science building and multimedia building and to construct campus infrastructure and physical plant shops. Section 653 of this act appropriates the funds for construction phase and equipping the engineering/life science building.

Reappropriation:

State Building Construction Account—State	\$	11,054,521
Prior Biennia (Expenditures)	\$	2,445,479
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	13,500,000

NEW SECTION. Sec. 689. FOR EASTERN WASHINGTON UNIVERSITY

Senior Hall: Renovation (00-1-003)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account—State	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>11,600,000</u>
TOTAL	\$	11,700,000

NEW SECTION. Sec. 690. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works: Preservation (00-1-004)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	16,000
Eastern Washington University Capital		
Projects Account—State	\$	<u>1,310,000</u>
Subtotal Reappropriation	\$	1,326,000

Appropriation:

State Building Construction Account—State	\$	1,000,000
Eastern Washington University Capital		
Projects Account—State	\$	<u>2,000,000</u>
Subtotal Appropriation	\$	3,000,000
Prior Biennia (Expenditures)	\$	9,096,505
Future Biennia (Projected Costs)	\$	<u>14,000,000</u>
TOTAL	\$	27,422,505

NEW SECTION. Sec. 691. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Project: Savings (00-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and, (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account—State	\$	1
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1

NEW SECTION. Sec. 692. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works: Program (00-2-002)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	381,000
Eastern Washington University Capital		
Projects Account—State	\$	702,502
Subtotal Reappropriation	\$	1,083,502

Appropriation:

Eastern Washington University Capital		
Projects Account—State	\$	2,190,000
Prior Biennia (Expenditures)	\$	5,956,138
Future Biennia (Projected Costs)	\$	11,600,000
TOTAL	\$	20,829,640

NEW SECTION. Sec. 693. FOR EASTERN WASHINGTON UNIVERSITY

Campus Network and Cable: Replacement (90-2-004)

Reappropriation:

State Building Construction Account—State	\$	500,000
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Appropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	6,173,800

Future Biennia (Projected Costs)	\$	4,000,000
TOTAL	\$	11,673,800

NEW SECTION. Sec. 694. FOR EASTERN WASHINGTON UNIVERSITY

JFK Library Addition and Remodel: Construction (90-5-003)

Reappropriation:

State Building Construction Account—State	\$	300,000
Eastern Washington University Capital		
Projects Account—State	\$	34,662
Subtotal Reappropriation	\$	334,662
Prior Biennia (Expenditures)	\$	20,381,581
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	20,716,243

NEW SECTION. Sec. 695. FOR EASTERN WASHINGTON UNIVERSITY

Chillers, Heating, Ventilation, and Air Conditioning (94-1-003)

Reappropriation:

State Building Construction Account—State	\$	153,000
Prior Biennia (Expenditures)	\$	2,444,711
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,597,711

NEW SECTION. Sec. 696. FOR EASTERN WASHINGTON UNIVERSITY

Monroe Hall: Renovation (96-1-002)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	395,000
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Appropriation:

State Building Construction Account—State	\$	10,750,000
Eastern Washington University Capital		
Projects Account—State	\$	250,000
Subtotal Appropriation	\$	11,000,000
Prior Biennia (Expenditures)	\$	629,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	12,024,000

NEW SECTION. Sec. 697. FOR EASTERN WASHINGTON UNIVERSITY

Campus Classroom: Renewal (96-2-001)

Reappropriation:

State Building Construction Account—State	\$	448,000
Eastern Washington University Capital		
Projects Account—State	\$	<u>457,191</u>
Subtotal Reappropriation	\$	905,191

Appropriation:

State Building Construction Account—State	\$	1,000,000
Eastern Washington University Capital		
Projects Account—State	\$	<u>500,000</u>
Subtotal Appropriation	\$	1,500,000
Prior Biennia (Expenditures)	\$	4,244,809
Future Biennia (Projected Costs)	\$	<u>10,700,000</u>
TOTAL	\$	17,350,000

NEW SECTION. Sec. 698. FOR EASTERN WASHINGTON UNIVERSITY

Water System: Preservation and expansion (98-1-002)

Reappropriation:

State Building Construction Account—State	\$	290,000
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Appropriation:

Eastern Washington University Capital		
Projects Account—State	\$	880,000
Prior Biennia (Expenditures)	\$	210,000
Future Biennia (Projected Costs)	\$	<u>7,500,000</u>
TOTAL	\$	8,880,000

NEW SECTION. Sec. 699. FOR EASTERN WASHINGTON UNIVERSITY

Electrical Substations: Preservation (98-1-004)

Reappropriation:

State Building Construction Account—State	\$	2,872,000
Prior Biennia (Expenditures)	\$	128,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	3,000,000

NEW SECTION. Sec. 700. FOR EASTERN WASHINGTON UNIVERSITY

Roof Replacements (98-1-006)

Reappropriation:

State Building Construction Account—State	\$	475,000
Prior Biennia (Expenditures)	\$	4,230,000
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 4,705,000

NEW SECTION. Sec. 701. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure: Preservation (98-1-007)

The appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State \$ 3,662,000

Appropriation:

State Building Construction Account—State \$ 1,000,000

Prior Biennia (Expenditures) \$ 338,000

Future Biennia (Projected Costs) \$ 4,000,000

TOTAL \$ 9,000,000

NEW SECTION. Sec. 702. FOR EASTERN WASHINGTON UNIVERSITY

Heating, Ventilation, and Air Conditioning Systems: Preservation (98-1-008)

Reappropriation:

State Building Construction Account—State \$ 799,000

Prior Biennia (Expenditures) \$ 201,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 703. FOR EASTERN WASHINGTON UNIVERSITY

Boiler Plant Expansion (98-1-011)

Reappropriation:

State Building Construction Account—State \$ 400,000

Eastern Washington University Capital

Projects Account—State \$ 106,415

Subtotal Reappropriation \$ 506,415

Appropriation:

State Building Construction Account—State \$ 6,725,000

Prior Biennia (Expenditures) \$ 277,210

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 7,508,625

NEW SECTION. Sec. 704. FOR EASTERN WASHINGTON UNIVERSITY

Childcare Center (00-02-003)

Appropriation:

State Building Construction Account—State \$ 539,000

Eastern Washington University Capital	
Projects Account—State	\$ 600,000
Subtotal Appropriation	\$ 1,139,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,139,000

NEW SECTION. Sec. 705. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure Project: Savings (00-1-001)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account—State	\$ 1
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1

NEW SECTION. Sec. 706. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works: Preservation (00-1-120)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Central Washington University Capital	
Projects Account—State	\$ 3,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 27,500,000
TOTAL	\$ 30,500,000

NEW SECTION. Sec. 707. FOR CENTRAL WASHINGTON UNIVERSITY

Music Facility (00-2-001)

Appropriation:

State Building Construction Account—State	\$ 2,300,000
Prior Biennia (Expenditures)	\$ 116,372
Future Biennia (Projected Costs)	\$ 24,600,000

TOTAL \$ 27,016,372

NEW SECTION. Sec. 708. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works: Program (00-2-110)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Central Washington University Capital		
Projects Account—State	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	13,000,000
TOTAL	\$	16,000,000

NEW SECTION. Sec. 709. FOR CENTRAL WASHINGTON UNIVERSITY

Fiber Optic Backbone: Upgrade (00-2-130)

Appropriation:

Central Washington University Capital Projects		
Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,550,000
TOTAL	\$	3,050,000

NEW SECTION. Sec. 710. FOR CENTRAL WASHINGTON UNIVERSITY

Science Facility: Design and construction (94-2-002)

The reappropriations in this section are subject to the review and allotment procedures under sections 902 through 904 of this act.

Reappropriation:

State Building Construction Account—State	\$	1,500,000
Central Washington University Capital Projects		
Account—State	\$	600,000
Subtotal Reappropriation	\$	2,100,000
Prior Biennia (Expenditures)	\$	56,293,500
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	58,393,500

NEW SECTION. Sec. 711. FOR CENTRAL WASHINGTON UNIVERSITY

Black Hall: Design and construction (94-2-010)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	26,403,401
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	27,403,401

NEW SECTION. Sec. 712. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works: Infrastructure preservation (96-1-040)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

(2) No money from this reappropriation may be expended for remodeling or repairing the president's residence.

Reappropriation:

Central Washington University Capital Projects Account—State	\$	100,000
Prior Biennia (Expenditures)	\$	2,300,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,400,000

NEW SECTION. Sec. 713. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works: Preservation (96-1-120)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

(2) A maximum of \$85,000 from this reappropriation may be expended for remodeling the president's residence.

Reappropriation:

Central Washington University Capital Projects Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	1,700,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,200,000

NEW SECTION. Sec. 714. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works: Program (96-2-130)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Central Washington University Capital Projects	
Account—State	\$ 75,000
Prior Biennia (Expenditures)	\$ 2,425,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 2,500,000

NEW SECTION. Sec. 715. FOR CENTRAL WASHINGTON UNIVERSITY

Heating System Improvements (98-1-030)

Reappropriation:

State Building Construction Account—State	\$ 1,000,000
Prior Biennia (Expenditures)	\$ 450,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,450,000

NEW SECTION. Sec. 716. FOR CENTRAL WASHINGTON UNIVERSITY

Electrical Utility: Upgrade (98-1-110)

Reappropriation:

State Building Construction Account—State	\$ 2,300,000
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Appropriation:

State Building Construction Account—State	\$ 3,700,000
Prior Biennia (Expenditures)	\$ 200,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 6,200,000

NEW SECTION. Sec. 717. FOR CENTRAL WASHINGTON UNIVERSITY

Steamline Replacement (98-1-120)

Reappropriation:

Central Washington University Capital Projects	
Account—State	\$ 100,000

Appropriation:

State Building Construction Account—State	\$ 1,500,000
Prior Biennia (Expenditures)	\$ 1,350,000
Future Biennia (Projected Costs)	\$ 4,500,000
TOTAL	\$ 7,450,000

NEW SECTION. Sec. 718. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works: Preservation (98-1-130)

Reappropriation:

Central Washington University Capital Projects	
Account—State	\$ 1,700,000
Prior Biennia (Expenditures)	\$ 1,463,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 3,163,000

NEW SECTION. Sec. 719. FOR CENTRAL WASHINGTON UNIVERSITY

Building Indoor Air Quality: Improvements (98-1-170)

Reappropriation:

Central Washington University Capital Projects	
Account—State	\$ 200,000
Prior Biennia (Expenditures)	\$ 229,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 429,000

NEW SECTION. Sec. 720. FOR CENTRAL WASHINGTON UNIVERSITY

SeaTac Center Building: Renovation (98-2-010)

Reappropriation:

State Building Construction Account—State	\$ 500,000
Prior Biennia (Expenditures)	\$ 162,500
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 662,500

NEW SECTION. Sec. 721. FOR CENTRAL WASHINGTON UNIVERSITY

Lynnwood Higher Education Center (98-2-080)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.
- (2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.
- (3) The design of this facility shall be based on a combination of construction funding included in this section, the state board for community and technical colleges, and in section 905 of this act.

Reappropriation:

Central Washington University Capital Projects Account—State	\$	875,000
Appropriation:		
State Building Construction Account—State	\$	4,000,000
Central Washington University Capital Projects Account—State	\$	<u>1,000,000</u>
Subtotal Appropriation	\$	5,000,000
Prior Biennia (Expenditures)	\$	125,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	6,000,000

NEW SECTION. Sec. 722. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works: Program (98-2-135)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Central Washington University Capital Projects Account—State	\$	600,000
Prior Biennia (Expenditures)	\$	1,782,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,382,000

NEW SECTION. Sec. 723. FOR THE EVERGREEN STATE COLLEGE

Minor Works: Safety and code (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	1,900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>11,000,000</u>
TOTAL	\$	12,900,000

NEW SECTION. Sec. 724. FOR THE EVERGREEN STATE COLLEGE

Minor Works: Preservation (00-1-002)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

The Evergreen State College Capital Projects Account—State	\$	3,600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	13,800,000

TOTAL	\$	17,400,000
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NEW SECTION. Sec. 725. FOR THE EVERGREEN STATE COLLEGE
Emergency and Small Repairs (00-1-003)

Appropriation:

The Evergreen State College Capital		
Projects Account—State	\$	560,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,510,000
TOTAL	\$	3,070,000

NEW SECTION. Sec. 726. FOR THE EVERGREEN STATE COLLEGE
Infrastructure Project: Savings (00-1-004)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Appropriation:

State Building Construction Account—State	\$	1
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1

NEW SECTION. Sec. 727. FOR THE EVERGREEN STATE COLLEGE
Lab 11 First Floor Remodel - CAL and Adjacent Labs (00-2-005)

Appropriation:

State Building Construction Account—State	\$	2,600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,600,000

NEW SECTION. Sec. 728. FOR THE EVERGREEN STATE COLLEGE
Minor Works: Program (00-2-007)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	1,000,000
The Evergreen State College Capital Projects		
Account—State	\$	100,000
Subtotal Appropriation	\$	1,100,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>7,250,000</u>
TOTAL	\$	8,350,000

NEW SECTION, Sec. 729. FOR THE EVERGREEN STATE COLLEGE

Library Building - Technology Center (00-2-008)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

The Evergreen State College Capital		
Projects Account—State	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>16,450,000</u>
TOTAL	\$	16,600,000

NEW SECTION, Sec. 730. FOR THE EVERGREEN STATE COLLEGE

Minor Works: Safety and code (98-1-001)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	166,000
Prior Biennia (Expenditures)	\$	2,284,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,450,000

NEW SECTION, Sec. 731. FOR THE EVERGREEN STATE COLLEGE

Minor Works: Preservation (98-1-002)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	1,304,319
The Evergreen State College Capital		
Projects Account—State	\$	<u>249,389</u>
Subtotal Reappropriation	\$	1,553,708
Prior Biennia (Expenditures)	\$	1,070,631
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	2,624,339

NEW SECTION, Sec. 732. FOR THE EVERGREEN STATE COLLEGE

Seminar Phase II: Design (98-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

State Building Construction Account—State	\$	3,000,000
Prior Biennia (Expenditures)	\$	140,000
Future Biennia (Projected Costs)	\$	<u>34,600,000</u>
TOTAL	\$	37,740,000

NEW SECTION. Sec. 733. FOR THE EVERGREEN STATE COLLEGE
Minor Works: Program (98-2-006)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

The Evergreen State College Capital		
Projects Account—State	\$	1,442,084
Prior Biennia (Expenditures)	\$	357,916
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	1,800,000

NEW SECTION. Sec. 734. FOR WESTERN WASHINGTON
UNIVERSITY

Minor Works: Preservation (00-1-068)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	4,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>24,800,000</u>
TOTAL	\$	29,300,000

NEW SECTION. Sec. 735. FOR WESTERN WASHINGTON
UNIVERSITY

Minor Works: Program (00-2-069)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Western Washington University Capital		
Projects Account—State	\$	6,730,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>24,500,000</u>
TOTAL	\$	31,230,000

NEW SECTION. Sec. 736. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure Project: Savings (94-1-999)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

State Building Construction Account—State	\$	1
Prior Biennia (Expenditures)	\$	970,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	970,001

NEW SECTION. Sec. 737. FOR WESTERN WASHINGTON UNIVERSITY

Haggard Hall Renovation and Abatement: Construction (94-2-015)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	1,900,000
Prior Biennia (Expenditures)	\$	20,304,405
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	22,204,405

NEW SECTION. Sec. 738. FOR WESTERN WASHINGTON UNIVERSITY

Campus Services Facility: Construction (96-2-025)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The university shall comply with local comprehensive land use laws and regulations for this project.

Reappropriation:

State Building Construction Account—State	\$	958,000
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Appropriation:

State Building Construction Account—State	\$	10,100,000
Prior Biennia (Expenditures)	\$	333,800
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	11,391,800

NEW SECTION. Sec. 739. FOR WESTERN WASHINGTON UNIVERSITY

Integrated Signal Distribution: Construction (96-2-056)

Reappropriation:

State Building Construction Account—State	\$	5,800,000
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Appropriation:

State Building Construction Account—State	\$	4,000,000
Prior Biennia (Expenditures)	\$	3,677,900
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	13,477,900

NEW SECTION. Sec. 740. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works: Preservation (98-1-064)

The reappropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	2,100,000
Western Washington University Capital		
Projects Account—State	\$	<u>1,800,000</u>
Subtotal Reappropriation	\$	3,900,000
Prior Biennia (Expenditures)	\$	2,800,000
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	6,700,000

NEW SECTION. Sec. 741. FOR WESTERN WASHINGTON UNIVERSITY

Facility and Property Acquisition (98-2-023)

The university shall comply with local comprehensive land use laws and regulations for this project.

Reappropriation:

State Building Construction Account—State	\$	2,720,000
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Appropriation:

Western Washington University Capital Projects		
Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	1,280,000

Future Biennia (Projected Costs)	\$	4,000,000
TOTAL	\$	9,000,000

NEW SECTION. Sec. 742. FOR WESTERN WASHINGTON UNIVERSITY

Campus Infrastructure: Development (98-2-024)

The university shall comply with local comprehensive land use laws and regulations for this project.

Appropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	450,000
Future Biennia (Projected Costs)	\$	20,000,000
TOTAL	\$	22,450,000

NEW SECTION. Sec. 743. FOR WESTERN WASHINGTON UNIVERSITY

Communications Facility: Design (98-2-053)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

State Building Construction Account—State	\$	3,750,000
Prior Biennia (Expenditures)	\$	204,400
Future Biennia (Projected Costs)	\$	36,500,000
TOTAL	\$	40,454,400

NEW SECTION. Sec. 744. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works: Program (98-2-063)

The reappropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Reappropriation:

Western Washington University Capital		
Projects Account—State	\$	3,300,000
Prior Biennia (Expenditures)	\$	2,328,529
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,628,529

NEW SECTION. Sec. 745. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Stadium Way Facility: Seismic and infrastructure repair (96-1-102)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account—State	\$	1,745,000
Prior Biennia (Expenditures)	\$	3,422,626
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,167,626

NEW SECTION. Sec. 746. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

State Capital Museum: Preservation (98-1-001)

Appropriation:

State Building Construction Account—State	\$	284,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	1,150,000
TOTAL	\$	1,634,000

NEW SECTION. Sec. 747. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works (98-1-003)

Appropriation:

State Building Construction Account—State	\$	90,000
Prior Biennia (Expenditures)	\$	83,000
Future Biennia (Projected Costs)	\$	390,000
TOTAL	\$	563,000

***NEW SECTION. Sec. 748. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Washington Heritage Projects (98-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state grant may provide no more than one-third of the actual total capital cost of the project, or the amount of state assistance listed in this section, whichever is less. The remaining portions of capital project costs shall be a match from nonstate sources. The match may include cash, land value, and documented in-kind gifts and support. State grants shall be disbursed in the order in which matching requirements are met. The society may only fund projects that demonstrate adequate progress and have secured the necessary match funding. The recommendation for funding in this section does not imply

a commitment on the part of the state. Those projects listed in subsection (3) of this section that do not receive funding from the appropriations in this section shall be required to recompile in order to receive future funding.

(2) By December 15, 1999, the society shall submit a report to the appropriate fiscal committees of the legislature and to the office of financial management on the progress of the heritage program, including a list of projects funded under this section.

(3) The appropriation is provided for the following list of projects:

Organization	Amount Recommended	Total Project Cost
Port Townsend Marine		
Science Center	70,000	711,530
Yakima Valley Museum	400,000	3,266,771
Northwest Railway Museum	118,000	377,209
Columbia Breaks Fire		
Interpretive Center	48,298	175,764
Fort Nisqually Historic Site	121,435	364,303
Kittitas County	500,000	2,878,285
South Whidbey Historical		
Society	25,000	114,301
Shoreline Historical Museum	196,073	597,148
Okanogan County	113,000	459,342
North Central Washington Museum	500,000	2,572,750
Historic Seattle Public		
Development Authority	330,000	4,781,600
Pearson Field	250,000	1,154,711
Touchet Valley	180,000	632,607
Anacortes Museum - W.T. Preston	54,004	195,198
Whatcom Museum	360,000	2,929,050
Oysterville Community Club	37,799	113,400
Meadowbrook Farm	94,000	4,208,000
City of Lynnwood (9971)	50,391	151,175
Grays Harbor Historical Seaport	220,000	3,865,800
Lewis County	25,000	80,574
City of Des Moines	120,000	712,852
Steilacoom Historical Society	187,000	905,739
Kalispel Tribe	132,000	3,943,744
White River Valley Museum	71,000	312,520
Whitman County Historical Society	50,013	150,325
City of Stanwood	249,873	788,564
Maritime Heritage Foundation	500,000	37,750,000
Highline School District	363,575	1,090,725
Total Recommended	5,481,374	

Reappropriation:

State Building Construction Account—State	\$ 815,000
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Appropriation:

State Building Construction Account—State	\$ 4,000,000
Prior Biennia (Expenditures)	\$ 3,285,000
Future Biennia (Projected Costs)	\$ <u>16,000,000</u>
TOTAL	\$ 24,100,000

*Sec. 748 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 749. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Cheney Cowles Museum: Addition and remodel (98-2-001)

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.
- (2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.
- (3) The appropriation in this section shall be matched by at least twenty percent from nonstate sources.

Reappropriation:

State Building Construction Account—State	\$ 300,000
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Appropriation:

State Building Construction Account—State	\$ 18,891,600
Washington State Historical Trust Account—	
Private/Local	\$ <u>4,372,900</u>
Subtotal Appropriation	\$ 23,264,500
Prior Biennia (Expenditures)	\$ 2,425,000
Future Biennia (Projected Costs)	\$ <u>0</u>
TOTAL	\$ 25,989,500

NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works: Preservation (00-1-001)

The appropriation in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

Community and Technical Colleges Capital Projects	
Account—State	\$ 11,700,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ <u>54,000,000</u>
TOTAL	\$ 65,700,000

NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (00-1-010)

Appropriation:

Community and Technical Colleges Capital Projects		
Account—State	\$	4,597,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	16,000,000
TOTAL	\$	20,597,000

NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (00-1-050)

Appropriation:

State Building Construction Account—State	\$	23,500,000
Community and Technical Colleges Capital Projects		
Account—State	\$	3,900,000
Subtotal Appropriation	\$	27,400,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	75,000,000
TOTAL	\$	102,400,000

NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (00-1-090)

The appropriation in this section is subject to the following condition and limitation: \$250,000 is provided solely to Seattle Central Community College for site work at the Lincoln reservoir.

Appropriation:

State Building Construction Account—State	\$	3,842,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	12,000,000
TOTAL	\$	15,842,000

NEW SECTION. Sec. 754. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College - Portable Buildings: Replacement (00-1-223)

Appropriation:

Community and Technical Colleges Capital Projects		
Account—State	\$	5,640,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 5,640,000

NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College - N Building: Replacement (00-1-232)

Appropriation:

Community and Technical Colleges Capital Projects	
Account—State	\$ 1,351,700
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,351,700

NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College - Relocatable Buildings: Replacement (00-1-236)

Appropriation:

Community and Technical Colleges Capital Projects	
Account—State	\$ 6,400,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 6,400,000

NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College - Portable Building: Replacement (00-1-237)

Appropriation:

Community and Technical Colleges Capital Projects	
Account—State	\$ 4,612,400
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 4,612,400

NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works: Program (00-1-130)

The appropriation in this section are subject to the following conditions and limitations:

(1) \$350,000 is provided for technical engineering analysis and financial planning regarding the conversion to digital transmission for Washington public broadcast stations. The financial plan shall assess state, federal, nonprofit foundations, viewer donations, and other sources of revenue to implement the

conversion from analog to digital transmission. The provision of these study funds do not imply a further commitment of funding by the state of Washington.

(2) Funding is provided from the state building construction account as capital project matching funds to the following colleges: Wenatchee Valley, \$250,000; Clark, \$250,000; Lake Washington, \$300,000; Bellevue, \$500,000; Walla Walla, \$500,000; Grays Harbor, \$400,000. State funds shall be matched by an equal or greater amount of nonstate moneys.

(3) Following the allocation of funds for the projects in subsections (1) and (2) of this section, the appropriations in this section shall support the detailed list of projects maintained by the office of financial management.

Appropriation:

State Building Construction Account—State	\$	15,050,000
Community and Technical Colleges Capital Projects		
Account—State	\$	<u>1,800,000</u>
Subtotal Appropriation	\$	16,850,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	16,850,000

NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College - Plant Operations Building: Replacement (00-2-002)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account—State	\$	1,029,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>3,971,000</u>
TOTAL	\$	5,000,000

NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Electrical substation

Appropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	1,000,000

NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College - Robinswood School: Replacement (00-2-005)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account—State	\$	15,806,600
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	15,806,600

NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline Community College - Library/Technology Center (00-2-319)

Appropriation:

State Building Construction Account—State	\$	7,250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,250,000

NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College - Drama and Music Class/Labs: Renovation (00-2-322)

Appropriation:

State Building Construction Account—State	\$	3,430,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,430,000

NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College - Applied Arts IV Building: Renovation (00-2-326)

Appropriation:

State Building Construction Account—State	\$	2,540,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,540,000

NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College - Sexton Hall Computer Labs: Renovation (00-2-327)

Appropriation:

State Building Construction Account—State	\$	700,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	0
TOTAL	\$	700,000

NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College - Mechanics Complex: Renovation (00-2-328)

Appropriation:

State Building Construction Account—State	\$	1,715,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,715,000

NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College - Building 5: Renovation (00-2-335)

Appropriation:

State Building Construction Account—State	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,500,000

NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College - Building B: Renovation (00-2-338)

Appropriation:

State Building Construction Account—State	\$	1,926,800
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,926,800

NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College: Development (00-2-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase I of the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 617, 638, 639, and 821 of this act and shall be managed by the department of general administration.

(5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total state contribution for all costs including design, construction, and equipping of phase IIA of the campus.

(6) Phase IIA shall accommodate 1,000 additional full-time equivalent students when completed.

Appropriation:

State Building Construction Account—State	\$	50,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>105,000,000</u>
TOTAL	\$	155,100,000

NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College - Puyallup Campus Phase 3 Expansion: Predesign (00-2-676)

Appropriation:

State Building Construction Account—State	\$	217,200
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>19,400,000</u>
TOTAL	\$	19,617,200

NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Whatcom Community College - Classroom/Laboratory Building (00-2-677)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account—State	\$	80,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>9,300,000</u>
TOTAL	\$	9,380,000

NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College - 21st Century Careers Center (00-2-678)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account—State	\$	117,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>17,900,000</u>
TOTAL	\$	18,017,000

NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College - Humanities/General Education Complex (00-2-679)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account—State	\$	124,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>14,900,000</u>
TOTAL	\$	15,024,000

NEW SECTION. Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College - Higher Education Center at WSU Vancouver (00-2-680)

To conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2000.

Appropriation:

State Building Construction Account—State	\$	120,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>18,350,000</u>
TOTAL	\$	18,470,000

NEW SECTION. Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley Omak - Science Lab (00-2-952)

Appropriation:

State Building Construction Account—State	\$	900,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		0
TOTAL	\$	900,000

NEW SECTION. Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Higher Education Center: Acquisition and design (00-2-954)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Appropriation:

State Building Construction Account—State	\$	4,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	17,000,000
		17,000,000
TOTAL	\$	21,000,000

NEW SECTION. Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Construct Classroom and Laboratory Building: Edmonds Community College (94-2-604)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	318,142
Prior Biennia (Expenditures)	\$	4,840,318
Future Biennia (Projected Costs)	\$	0
		0
TOTAL	\$	5,158,460

NEW SECTION. Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Construct Center for Information Technology: Green River Community College (94-2-606)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	350,000
Prior Biennia (Expenditures)	\$	2,681,551
Future Biennia (Projected Costs)	\$	0
		0
TOTAL	\$	3,031,551

NEW SECTION. Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Americans with Disabilities Act: Improvements (94-5-001)

Reappropriation:

State Building Construction Account—State	\$	30,000
Prior Biennia (Expenditures)	\$	97,939
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	127,939

NEW SECTION. Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Small Repairs, Improvements, and Underground Storage Tank Removal (96-1-001)

Reappropriation:

State Building Construction Account—State	\$	100,000
Prior Biennia (Expenditures)	\$	3,372,038
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,472,038

NEW SECTION. Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Asbestos Abatement (96-1-002)

Reappropriation:

State Building Construction Account—State	\$	200,000
Prior Biennia (Expenditures)	\$	959,890
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,159,890

NEW SECTION. Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (96-1-010)

Reappropriation:

State Building Construction Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	1,015,690
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,515,690

NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Heating, Ventilating, and Air Conditioning Repairs (96-1-030)

Reappropriation:

State Building Construction Account—State	\$	45,000
Prior Biennia (Expenditures)	\$	640,356

Future Biennia (Projected Costs)	\$	0
TOTAL	\$	685,356

NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Mechanical Repairs (96-1-060)

Reappropriation:

State Building Construction Account—State	\$	100,000
Prior Biennia (Expenditures)	\$	441,547
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	541,547

NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Electrical Repairs (96-1-080)

Reappropriation:

State Building Construction Account—State	\$	450,000
Prior Biennia (Expenditures)	\$	351,387
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	801,387

NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Exterior Repairs (96-1-100)

Reappropriation:

State Building Construction Account—State	\$	30,000
Prior Biennia (Expenditures)	\$	1,501,582
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,531,582

NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Interior Repairs (96-1-120)

Reappropriation:

State Building Construction Account—State	\$	100,000
Prior Biennia (Expenditures)	\$	895,514
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	995,514

NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (96-1-140)

Reappropriation:

State Building Construction Account—State	\$	100,000
Prior Biennia (Expenditures)	\$	295,040
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	395,040

NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley College—Replace pedestrian street crossing (96-1-400)

The appropriation in this section is provided solely to use with other nonstate sources for the construction or installation of a pedestrian street crossing or other safety improvements.

Reappropriation:

State Building Construction Account—State	\$	100,000
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Appropriation:

State Building Construction Account—State	\$	170,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	270,000

NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Infrastructure Project: Savings (96-1-500)

Projects that are completed in accordance with section 911 of this act that have been reviewed by the office of financial management may have their remaining funds transferred to this project for the following purposes: (1) Road repair; (2) roof repair; (3) electrical system repair; (4) steam and utility distribution system repair; (5) plumbing system repair; (6) heating, ventilating, and air conditioning repairs; (7) emergency repairs due to natural disasters or accidents; and (8) critical year 2000 embedded chip modifications.

Reappropriation:

State Building Construction Account—State	\$	1
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1

NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Repair and Minor Improvement Projects (96-2-199)

Reappropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	2,176,473
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,176,473
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NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Project Artwork Consolidation Account (96-2-400)

Reappropriation:

State Building Construction Account—State	\$	241,000
Prior Biennia (Expenditures)	\$	219,270
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	460,270

NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College - Vocational/Child Care Buildings: Construction (96-2-651)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	12,000,000
Prior Biennia (Expenditures)	\$	2,704,161
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	14,704,161

NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College - Instructional Technology Center: Construction (96-2-652)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	1,600,000
Prior Biennia (Expenditures)	\$	15,017,483
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	16,617,483

NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College - Integrated Learning Assistance Resource Center: Construction (96-2-653)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	6,000,000
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Prior Biennia (Expenditures)	\$	2,460,167
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	8,460,167

NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College - Poulsbo Center: Construction (96-2-654)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	147,034
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Appropriation:

State Building Construction Account—State	\$	12,900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	13,047,034

NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College - Classrooms and Labs: Construction (96-2-655)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	250,000
Prior Biennia (Expenditures)	\$	9,419,551
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	9,669,551

NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College - Transportation Trades: Design (96-2-662)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	25,000
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Appropriation:

State Building Construction Account—State	\$	1,200,000
Prior Biennia (Expenditures)	\$	25,000
Future Biennia (Projected Costs)	\$	16,230,000
TOTAL	\$	17,480,000

NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College - Aviation Trades Complex: Construction (96-2-998)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

Community/Technical College Capital Projects		
Account—State	\$	5,200,000

Appropriation:

State Building Construction Account—State	\$	4,700,000
Prior Biennia (Expenditures)	\$	2,100,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	12,000,000

NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Repair and Minor Improvement (98-1-001)

Reappropriation:

State Building Construction Account—State	\$	4,200,000
Prior Biennia (Expenditures)	\$	7,000,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	11,200,000

NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Asbestos Abatement (98-1-002)

Reappropriation:

State Building Construction Account—State	\$	150,000
Prior Biennia (Expenditures)	\$	744,097
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	894,097

NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Underground Storage Tanks (98-1-003)

Reappropriation:

State Building Construction Account—State	\$	400,000
Prior Biennia (Expenditures)	\$	390,490
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	790,490

NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (98-1-010)

Reappropriation:

State Building Construction Account—State	\$	4,500,000
Prior Biennia (Expenditures)	\$	7,080,400
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	11,580,400

NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Heating, Ventilating, and Air Conditioning Repairs (98-1-040)

Reappropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	5,940,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,940,000

NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Mechanical Repairs (98-1-070)

Reappropriation:

State Building Construction Account—State	\$	800,000
Prior Biennia (Expenditures)	\$	1,832,300
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,632,300

NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Electrical Repairs (98-1-090)

Reappropriation:

State Building Construction Account—State	\$	2,500,000
Prior Biennia (Expenditures)	\$	1,549,400
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,049,400

NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Exterior Repairs (98-1-110)

Reappropriation:

State Building Construction Account—State	\$	3,000,000
Prior Biennia (Expenditures)	\$	914,200
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,914,200
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NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Interior Repairs (98-1-130)

Reappropriation:

State Building Construction Account—State	\$	1,000,000
Prior Biennia (Expenditures)	\$	1,361,500
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,361,500

NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (98-1-150)

Reappropriation:

State Building Construction Account—State	\$	850,000
Prior Biennia (Expenditures)	\$	325,400
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,175,400

NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates Technical College: Renovation (98-1-190)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	8,400,000
Prior Biennia (Expenditures)	\$	294,716
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	8,694,716

NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Renovation (98-1-191)

Reappropriation:

State Building Construction Account—State	\$	400,000
Prior Biennia (Expenditures)	\$	992,648
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,392,648

NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College: Renovation (98-1-192)

Reappropriation:

State Building Construction Account—State	\$	2,000,000
Prior Biennia (Expenditures)	\$	1,781,518
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,781,518

NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Renovation (98-1-193)

Reappropriation:

State Building Construction Account—State	\$	4,700,000
Prior Biennia (Expenditures)	\$	133,605
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,833,605

NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Americans with Disabilities Act: Improvements (98-1-993)

Reappropriation:

State Building Construction Account—State	\$	333,000
Prior Biennia (Expenditures)	\$	289,393
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	622,393

NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Improvements (98-2-200)

Reappropriation:

State Building Construction Account—State	\$	5,000,000
Prior Biennia (Expenditures)	\$	7,900,369
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	12,900,369

NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College - Library: Replacement (98-2-500)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

General Fund—Federal	\$	3,700,000
State Building Construction Account—State	\$	1,600,000
Subtotal Reappropriation	\$	5,300,000

Appropriation:

State Building Construction Account—State	\$	976,000
Prior Biennia (Expenditures)	\$	836,448
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,112,448

NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	310,000
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Appropriation:

State Building Construction Account—State	\$	5,700,000
Prior Biennia (Expenditures)	\$	79,717
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,089,717

NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College - Allied Health Building: Addition (98-2-661)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	600,000
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Appropriation:

State Building Construction Account—State	\$	10,700,000
Prior Biennia (Expenditures)	\$	91,108
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	11,391,108

NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College - Business and Health Technology Building (98-2-672)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

State Building Construction Account—State	\$ 19,693
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Appropriation:

State Building Construction Account—State	\$ 775,000
Prior Biennia (Expenditures)	\$ 55,307
Future Biennia (Projected Costs)	\$ 8,080,000
TOTAL	\$ 8,930,000

NEW SECTION, Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College - Phase III: Design (98-2-673)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

State Building Construction Account—State	\$ 26,923
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Appropriation:

State Building Construction Account—State	\$ 1,050,000
Prior Biennia (Expenditures)	\$ 88,077
Future Biennia (Projected Costs)	\$ 14,600,000
TOTAL	\$ 15,765,000

NEW SECTION, Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College - Technology Resource Center: Design (98-2-674)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

State Building Construction Account—State	\$ 67,064
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Appropriation:

State Building Construction Account—State	\$ 1,010,000
Prior Biennia (Expenditures)	\$ 67,936
Future Biennia (Projected Costs)	\$ 10,760,000

TOTAL \$ 11,905,000

NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College Higher Education Center (98-2-675)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

(3) The project shall be coordinated with Western Washington University in order to incorporate a distance education classroom and additional classroom, lab, and office space for use by the university.

Reappropriation:

State Building Construction Account—State \$ 17,942

Appropriation:

State Building Construction Account—State \$ 660,000

Prior Biennia (Expenditures) \$ 32,058

Future Biennia (Projected Costs) \$ 9,175,000

TOTAL \$ 9,885,000

NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College and UW - Bothell: Construction (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$3,000,000 of this appropriation is provided solely for design of phase 11A of this project to accommodate an additional 1,000 University of Washington and community college student full-time equivalents for the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 617, 639, 640, and 769 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

State Building Construction Account—State \$ 37,370,237

Prior Biennia (Expenditures)	\$	8,599,763
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	45,970,000

NEW SECTION. Sec. 824. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia College - Instructional Building: Replacement (99-2-001)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account—State	\$	14,400,000
Prior Biennia (Expenditures)	\$	1,434,614
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	15,834,614

**PART 6
MISCELLANEOUS**

NEW SECTION. Sec. 901. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$15,330,000 during the 1999-01 fiscal period; \$96,189,000 during the 2001-03 fiscal period; \$136,763,000 during the 2003-05 fiscal period; \$137,126,000 during the 2005-07 fiscal period; and \$137,126,000 during the 2007-09 fiscal period.

NEW SECTION. Sec. 902. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section or in excess of \$5,000,000 shall not be expended until the office of financial management has reviewed and approved the agency's predesign and other documents and approved an allotment for the project. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. Sec. 903. Allotments for appropriations shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations referring to this section until the allotment of the funds to be

expended has been approved by the office of financial management. Projects that will be employing alternative public works construction procedures, under chapter 39.10 RCW, are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

NEW SECTION. Sec. 904. Appropriations for design and construction of facilities on higher education branch campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

NEW SECTION. Sec. 905. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid for from operating revenues, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration:

(a) Enter into a financing contract in the amount of \$9,435,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Yakima for use by state agencies.

(b) Enter into a financing contract in the amount of \$4,621,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase an existing office building and associated land in Kelso for use by the department of social and health services and the employment security department.

(2) Department of corrections: Enter into a financing contract on behalf of the department of corrections in the amount of \$2,300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

(3) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW:

(a) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct cabins at Cama beach.

(b) Enter into financing contracts on behalf of state parks and recreation in the amount of \$250,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to complete improvements at the interpretive center/store at Deception Pass.

(c) Enter into financing contracts on behalf of state parks and recreation in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install additional yurts and cabins state-wide.

(d) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a day use shelter at Lake Sammamish.

(e) Enter into financing contracts on behalf of state parks and recreation in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to improve campsite electrification state-wide.

(f) Enter into financing contracts on behalf of state parks and recreation in the amount of \$750,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop additional campsites state-wide.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College in the amount of \$1,526,150 plus financing expenses and reserves pursuant to chapter 39.94 RCW for remodel of the Lindbloom student center building.

(b) Enter into a financing contract on behalf of Highline Community College in the amount of \$2,070,613 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of the Federal Way Center, currently being leased by the college.

(c) Enter into a financial contract on behalf of Green River Community College in the amount of \$100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately 1.5 acres of land adjacent to the westside parking lot.

(d) Enter into a financing contract on behalf of Grays Harbor Community College in the amount of \$600,000 plus financing expenses and required reserves

pursuant to chapter 39.94 RCW for the purchase and remodeling of the Riverview School and 2.83 acres of property, currently being leased by the college.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Tacoma Community College in the amount of \$1,697,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the existing student center.

(g) Enter into a financing contract on behalf of Spokane Community College in the amount of \$3,840,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing Lair student service building costing \$6,000,000. The balance of project cost will be cash from student and activity fees and enterprise funds.

(h) Enter into a financing contract on behalf of Big Bend Community College in the amount of \$150,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the exchange of 10 acres of land with Grant county.

(i) Enter into a financing contract on behalf of Green River Community College in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for purchase and development of property in the downtown Kent area.

(j) Enter into a financing contract on behalf of Columbia Basin Community College in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot student services auditorium.

(k) Enter into a financing contract on behalf of Yakima Valley Community College in the amount of \$375,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 2,700 gross square foot addition and remodeling to the existing student union building costing \$1,400,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for community and technical colleges, the office of financial management, and the legislative fiscal committees.

(l) Enter into a financing contract on behalf of Peninsula Community College in the amount of \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 10,000 gross square foot addition to the student union building.

(m) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for a 20,000 gross square foot addition and remodeling to the existing extended learning/work force facility costing \$4,388,000. Prior to commencing, the college shall prepare and present a business plan describing the financing of the complete project to the state board for

community and technical colleges, the office of financial management, and the legislative fiscal committees.

(n) Enter into a financial contract on behalf of Green River Community College in the amount of \$350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Lea Hill park from King county.

(o) Enter into a financial contract on behalf of Bellevue Community College in the amount of \$4,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for replacement of the Robinswood school. This authority is provided in addition to the appropriation in section 761 of this act.

(p) Enter into a financial contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(q) Enter into a financing contract on behalf of Whatcom Community College in the amount of \$1,918,483 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of 10.71 acres of property for the completion of the Whatcom Community College campus.

(r) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$3,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a music building on the college campus.

(5) Central Washington University: Enter into a financing contract on behalf of Central Washington University in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

(6) University of Washington:

(a) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance real property improvements to the Sand Point building.

(b) Enter into a financing contract on behalf of the University of Washington in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to finance primate center tenant improvements.

(7) Washington state convention and trade center: Enter into one or more financing contracts not exceeding an aggregate total amount of \$27,500,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW, for funding unanticipated costs in excess of the \$111,700,000 principal amount of the financing contract authorized in section 802(10)(b), chapter 16, Laws of 1995 2nd sp. sess., for the construction of the expansion of the Washington state convention and trade center as authorized under chapter 386, Laws of 1995. The balance of the expansion project funds shall be provided from interest earnings and public or private funds. The financing contract or contracts representing all or part of the amount authorized by this section shall not be executed without prior written approval of the office of financial management based upon its determination that

such financing contract or contracts are reasonably necessary for the expansion project.

NEW SECTION. Sec. 906. FOR THE ARTS COMMISSION—ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 1999-01 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 shall be spent solely for direct acquisition of works of art.

NEW SECTION. Sec. 907. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 908. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 1999, from the 1997-99 biennial appropriations for each project.

NEW SECTION. Sec. 909. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 910. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives capital budget committee.

NEW SECTION. Sec. 911. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 912. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 913. The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management

at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 914. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunications equipment, new video telecommunications transmission, or new video telecommunications systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of the video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 915. Electronic copies of all completed predesigns, BEST studies, value engineering studies, and constructability reviews performed pursuant to appropriations contained in this act will be forwarded to the department of general administration in a format prescribed by the department. These documents will serve as a means to share information and lessons that may be useful in other projects. Best practices, changes in technology and materials, new approaches to resolving facility and construction problems, and any other useful information will be shared among all agencies and the public through use of the Internet.

NEW SECTION. Sec. 916. The legislature finds that opportunities for additional student enrollment capacity at higher education facilities can be created by increased course scheduling, more intensive space utilization practices, and the delivery of distance learning programs. By May 1, 2000, the institutions of higher education and the state board for community and technical colleges shall review

course scheduling and weekly room use standards and determine if additional student capacity can be reasonably obtained by changes in practices. Further, this review shall include an assessment of options to increase distance learning programs as a means to further increase student full-time equivalent capacity. The findings of this review and the delineation of the course scheduling and weekly room use assumptions shall be submitted to the higher education coordinating board and the office of financial management for review and approval.

Institutions of higher education receiving appropriations for predesign, design, or construction of branch campus facilities in this act shall work with the higher education coordinating board and the office of financial management to identify options and prepare plans to increase the full-time equivalent capacity of these projects and all future construction phases for these campuses. The goal of these plans is to substantially increase full-time equivalent delivery capacity above the level identified in the appropriation section. The plans shall identify alternative program delivery strategies, options to increase use of distance learning and technology, plans to improve space utilization, and other recommendations to meet this goal. Branch campuses to be analyzed in these plans include Vancouver, Tacoma, Bothell, Tri-Cities, and Spokane. The development of these plans shall include consultation with every institution that is planned to offer services at each site. Proposals for changes in the facilities to be constructed in future phases shall clearly identify costs and schedule alternatives, and currently designed construction projects shall proceed on schedule.

Sec. 917. RCW 43.98A.040 and 1997 c 235 s 718 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than thirty-five percent for the acquisition and development of critical habitat;

(b) Not less than twenty percent for the acquisition and development of natural areas;

(c) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and

(d) The remaining amount shall be considered unallocated and shall be used by the committee to fund high priority acquisition and development needs for critical habitat, natural areas, and urban wildlife habitat. During the fiscal biennium ending June 30, ~~((1999))~~ 2001, the remaining amount reappropriated from the fiscal biennium ending June 30, 1999, may be allocated for matching grants for riparian zone habitat protection projects that implement watershed plans under the program established in section 329(6), chapter 235, Laws of 1997.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only state agencies may apply for acquisition and development funds for critical habitat and natural areas projects under subsection (1)(a), (b), and (d) of this section.

(4) State and local agencies may apply for acquisition and development funds for urban wildlife habitat projects under subsection (1)(c) and (d) of this section.

Sec. 918. RCW 43.98A.060 and 1997 c 235 s 719 are each amended to read as follows:

(1) The committee may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, (~~(1999)~~) 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) Except as provided in subsection (5) of this section, the committee may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) During the fiscal biennium ending June 30, (~~(1999)~~) 2001, the committee may approve a riparian zone habitat protection project established in section 329(6), chapter 235, Laws of 1997, where the local agency share is less than the amount to be awarded from the habitat conservation account.

(6) In determining acquisition priorities with respect to the habitat conservation account, the committee shall consider, at a minimum, the following criteria:

- (a) For critical habitat and natural areas proposals:
 - (i) Community support;
 - (ii) Immediacy of threat to the site;
 - (iii) Uniqueness of the site;
 - (iv) Diversity of species using the site;
 - (v) Quality of the habitat;
 - (vi) Long-term viability of the site;
 - (vii) Presence of endangered, threatened, or sensitive species;
 - (viii) Enhancement of existing public property;
 - (ix) Consistency with a local land use plan, or a regional or state-wide recreational or resource plan; and
 - (x) Educational and scientific value of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

- (i) Population of, and distance from, the nearest urban area;
- (ii) Proximity to other wildlife habitat;
- (iii) Potential for public use; and
- (iv) Potential for use by special needs populations.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.040(1)(c). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

Sec. 919. RCW 43.98A.070 and 1997 c 235 s 720 are each amended to read as follows:

(1) In determining which state parks proposals and local parks proposals to fund, the committee shall use existing policies and priorities.

(2) Moneys appropriated for this chapter may not be used by the committee to fund additional staff or other overhead expenses, or by a state, regional, or local agency to fund operation and maintenance of areas acquired under this chapter, except that the committee may use moneys appropriated for this chapter for the fiscal biennium ending June 30, (~~1999~~) 2001, for the administrative costs of implementing the pilot watershed plan implementation program established in section 329(6), chapter 235, Laws of 1997, and developing an inventory of publicly owned lands established in section 329(7), chapter 235, Laws of 1997.

(3) Moneys appropriated for this chapter may be used for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(4) The committee may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account.

(5) The committee may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the committee shall consider, at a minimum, the following criteria:

- (a) For trails proposals:

- (i) Community support;
- (ii) Immediacy of threat to the site;
- (iii) Linkage between communities;
- (iv) Linkage between trails;
- (v) Existing or potential usage;
- (vi) Consistency with an existing local land use plan or a regional or state-wide recreational or resource plan;
- (vii) Availability of water access or views;
- (viii) Enhancement of wildlife habitat; and
- (ix) Scenic values of the site.
- (b) For water access proposals:
 - (i) Community support;
 - (ii) Distance from similar water access opportunities;
 - (iii) Immediacy of threat to the site;
 - (iv) Diversity of possible recreational uses; and
 - (v) Public demand in the area.

(7) Before October 1st of each even-numbered year, the committee shall recommend to the governor a prioritized list of state agency projects to be funded under RCW 43.98A.050(1) (a), (c), and (d). The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project; and shall describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

(8) Before October 1st of each year, the committee shall recommend to the governor a prioritized list of all local projects to be funded under RCW 43.98A.050(1) (b), (c), and (d) of this act. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

Sec. 920. RCW 43.98A.050 and 1990 1st ex.s. c 14 s 6 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs. However, during the 1999-2001 biennium, distributions for acquisition and development of state parks shall not exceed four million two hundred fifty thousand dollars, and the proportion for acquisition costs shall be determined by the commission;

(b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites, except that for the 1999-2001 biennium, unallocated funds may not be distributed to projects in the state parks category.

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. Sec. 921. A new section is added to chapter 43.83B RCW to read as follows:

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness.

NEW SECTION. Sec. 922. The state treasurer shall transfer \$6,800,000 from the state emergency water projects revolving account to the state drought preparedness account created in section 920 of this act. \$500,000 will remain in the state emergency water projects revolving account for its original purpose or purposes.

***NEW SECTION. Sec. 923. FOR THE OFFICE OF THE GOVERNOR Salmon Recovery Grants Program (00-2-001)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire \$111,875,000 appropriation is provided solely to the salmon recovery funding board within the office of the governor to provide grants to local governments, state agencies, tribes, conservation districts, and nonprofit entities for salmon recovery activities pursuant to House Bill No. 2079 or Senate

Bill No. 5595. If neither House Bill No. 2079 nor Senate Bill No. 5595 are enacted by June 30, 1999, the amount provided in this section shall lapse.

(2) Up to \$14,000,000 of the general fund—federal appropriation is provided for grants to local governments for salmon recovery in accordance with a grant from the department of interior, United States fish and wildlife service received in December 1998.

(3) The remaining appropriations in this section shall be distributed by the salmon recovery funding board within the following categories:

(a) A minimum of thirty percent of the appropriation shall be provided for fish passage barrier correction projects;

(b) A minimum of thirty percent of the appropriation shall be provided for habitat enhancement projects, which may include but are not limited to: Purchase of riparian easements; stream restoration; stream flow augmentation; water quality improvement; water conservation; and storm water mitigation;

(c) A minimum of twenty percent of the appropriation for planning activities related to salmon recovery, which may include, but is not limited to: Regional salmon recovery planning; shoreline master program amendment; critical areas ordinance updates; lead entity administration and development of project lists; and project planning; and

(d) The remaining twenty percent of the appropriation may be distributed among the categories for highest priority projects as determined by the salmon recovery funding board.

(4) In developing project lists for funding, the salmon recovery funding board shall give priority consideration to:

(a) Proposals that support the recovery of salmon or steelhead runs listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.);

(b) Projects supported by a limiting factors analysis conducted according to RCW 75.46.070(2);

(c) Projects sponsored by a lead entity formed according to 75.46 RCW;

(d) Projects supporting a watershed plan developed according to chapter 90.82 RCW;

(e) Projects that create market wage jobs for displaced workers in rural natural resource impact areas, as defined under RCW 43.31.601(2);

(f) Projects with a local funding match, which may include a match of volunteer labor;

(g) Projects that include provisions for long-term maintenance and monitoring; and

(h) Other priorities identified by the salmon recovery funding board.

(5) For the 1999-2001 biennium, proposals shall be ranked by the interagency review team, for review, approval, and funding by the salmon recovery funding board. A final list of projects funded with appropriation from

this section shall be submitted to the office of financial management and the legislature by June 30th of each year.

(6) The salmon recovery funding board shall develop a list of projects in each of the categories identified in subsection (3) of this section proposed for funding in the 2001-2003 biennium, for submittal to the office of financial management and the legislature by December 1, 2000.

Appropriation:

<i>General Fund—Federal</i>	<i>\$</i>	<i>74,835,000</i>
<i>State Building Construction Account—State</i>	<i>\$</i>	<i>6,200,000</i>
<i>Salmon Recovery Account</i>	<i>\$</i>	<i>30,840,000</i>
<i>Subtotal Appropriation</i>	<i>\$</i>	<i>111,875,000</i>
<i>Prior Biennia (Expenditures)</i>	<i>\$</i>	<i>0</i>
<i>Future Biennia (Projected Costs)</i>	<i>\$</i>	<i>0</i>
<i>TOTAL</i>	<i>\$</i>	<i>111,875,000</i>

*Sec. 923 was vetoed. See message at end of chapter.

Sec. 924. 1999 c . . . (SHB 1165) s 112 [111] (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (88-5-015) (00-2-003)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the new appropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(2) (~~(\$1,800,000)~~) \$800,000 of the reappropriation from the state building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$1,000,000 of the new appropriation from the state building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

Reappropriation:

State Building Construction Account—State	\$	22,000,000
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Appropriation:

State Building Construction Account—State	\$	57,500,000
Washington Housing Trust Account—State	\$	4,300,000
Subtotal Appropriation	\$	61,800,000
Prior Biennia (Expenditures)	\$	43,790,503

Future Biennia (Projected Costs)	\$	<u>200,000,000</u>
TOTAL	\$	327,590,503

Sec. 925. 1999 c . . . (SHB 1165) s 139 [138] (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Administration Building: Preservation (00-1-004)

Appropriation:

State Building Construction Account—State	\$	((2,275,000))
		<u>1,000,000</u>
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>5,900,000</u>
TOTAL	\$	((8,175,000))
		<u>6,900,000</u>

Sec. 926. 1999 c . . . (SHB 1165) s 144 [143] (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Americans with Disabilities Act: Pool (00-1-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The money provided in this section shall be solely allocated to agencies and institutions(~~(, except for the state community and technical colleges,))~~ for improvements to state-owned facilities for program access enhancements.

(2) No moneys appropriated in this section or in any section specifically referencing this section shall be expended unless the department of general administration has reviewed and approved the cost estimates for the project. The department of general administration shall implement an agency request and evaluation procedure similar to the one adopted in the 1997-99 biennium for distribution of funds.

(3) No moneys appropriated in this section shall be available to institutions of higher education to modify dormitories.

Appropriation:

State Building Construction Account—State	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>14,000,000</u>
TOTAL	\$	17,000,000

Sec. 927. 1999 c . . . (SHB 1165) s 148 [147] (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Buildings: Safety and infrastructure (98-1-005)

(1) The appropriations shall support the detailed list of projects maintained by the office of financial management.

(2) \$270,000 of the new appropriation is provided to complete heating, ventilation, and air conditioning repair and improvements in the Newhouse building.

Reappropriation:

State Building Construction Account—State	\$	179,454
Thurston County Capital Facilities Account—		
State	\$	<u>475,000</u>
Subtotal Reappropriation	\$	654,454

Appropriation:

Capitol Building Construction Account—State	\$	4,250,000
Thurston County Capital Facilities Account—		
State	\$	585,000
State Building Construction Account—State	\$	((270,000))
		<u>495,000</u>
Subtotal Appropriation	\$	((5,105,000))
		<u>5,330,000</u>
Prior Biennia (Expenditures)	\$	1,415,546
Future Biennia (Projected Costs)	\$	<u>0</u>
TOTAL	\$	((7,175,000))
		<u>7,400,000</u>

Sec. 928. 1999 c . . . (SHB 1165) s 162 [161] (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Yakima National Guard Armory and Readiness Center: Design and utilities (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations:

Funds expended on this project for off-site utility infrastructure, and facility construction and design, which may include the provision of electricity, natural gas service, water service, ~~((or))~~ sewer service, or facility construction and design shall be for the benefit of the state. Entities that subsequently connect or use this off-site utility infrastructure shall reimburse the state at a rate proportional to their use. The military department shall develop policies and procedures to ensure that this reimbursement occurs.

Reappropriation:

State Building Construction Account—State	\$	2,725,000
General Fund—Federal	\$	<u>8,275,000</u>
Subtotal Reappropriation	\$	11,000,000

Prior Biennia (Expenditures)	\$	2,573,000
Future Biennia (Projected Costs)	\$	<u>3,288,000</u>
TOTAL	\$	16,861,000

Sec. 929. 1999 c . . . (SHB 1165) s 267 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center (~~((200-6ed))~~); Department of social and health services-Special Commitment Center (00-2-005)

The appropriation is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account—State	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>37,100,000</u>
TOTAL	\$	39,600,000

Sec. 930. 1999 c . . . (SHB 1165) s 331 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (98-2-003)

The appropriations in this section for the wildlife and recreation program under chapter 43.98A RCW and RCW 43.98A.040 are subject to the following condition and limitation:

(1) The new appropriations in this section are provided for the approved list of projects included in LEAP capital document No. ((99-1)) 1999-W3, as developed on April ((8)) 23, 1999.

(2) Any funding provided in this section for the Mt. Spokane - Quartz Mountain acquisition by the state parks and recreation commission shall not exceed fair market value as determined by an evaluation of three independent appraisals.

Reappropriation:

State Building Construction Account—State	\$	6,475,416
Outdoor Recreation Account—State	\$	23,733,311
Habitat Conservation Account—State	\$	<u>25,872,718</u>
Subtotal Reappropriation	\$	56,081,445

Appropriation:

Outdoor Recreation Account—State	\$	23,000,000
Habitat Conservation Account—State	\$	<u>25,000,000</u>
Subtotal Appropriation	\$	48,000,000
Prior Biennia (Expenditures)	\$	213,018,555
Future Biennia (Projected Costs)	\$	190,000,000

TOTAL \$ 507,100,000

Sec. 931. 1999 c . . . (SHB 1165) s 393 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Aquatic Lands Enhancement Grants (00-2-014)

The appropriation in this section is provided for a list of projects in LEAP capital document No. ((99-2)) 1999-A1, as developed on April ((8)) 23, 1999.

The department shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2001-03 capital budget. The list shall result from a competitive grants program developed by the department based upon, at a minimum: A uniform criteria for the selection of projects and awarding of grants for up to fifty percent of the total project cost; local community support for the project; and a state-wide geographic distribution of projects. The list of projects shall be submitted to the office of financial management by September 15, 2000.

Reappropriation:

Aquatic Lands Enhancement Account—State \$ 2,340,000

Appropriation:

Aquatic Lands Enhancement Account—State \$ ((5,800,000))
5,550,000

Prior Biennia (Expenditures) \$ 9,716,817

Future Biennia (Projected Costs) \$ 24,000,000

TOTAL \$ ((41,856,817))
41,606,817

Sec. 932. 1999 c . . . (SHB 1165) s 503 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Boarding Home Fire Safety Program

The appropriation in this section is provided solely for grants for the installation or retrofit of fire sprinklers in ((adult)) licensed boarding homes. The appropriation in this section is subject to the following conditions and limitations:

(1) The state fire marshal in consultation with the department of social and health services may develop rules to implement the grant program.

(2) The amount of the grant for an existing ((adult)) licensed boarding home shall not be greater than the difference between the cost of retrofitting and the cost of installing sprinklers during original construction of a comparable ((adult)) licensed boarding home with fire sprinklers.

(3) To be eligible for a grant under this section, the ((adult group)) boarding home shall be licensed and accredited with the department of social and health services. To be eligible for a grant under this section, at least fifteen percent of the ((adult group)) boarding home's residents must be department of social and health

services clients. The ~~((adult group))~~ boarding home must maintain the department of social and health services client ratio level for a period of no less than five years. If the department of social and health services client ratio level is not maintained, then the ~~((adult group))~~ boarding home shall reimburse the state for the amount of the grant plus appropriate interest.

(4) Any licensed boarding home receiving a grant shall complete the installation of the fire sprinklers by June 30, 2001.

Appropriation:

State Building Construction Account—State	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>2,500,000</u>

Sec. 933. 1999 c . . . (SHB 1165) s 639 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Bothell and Cascadia Community College Phase I (98-2-899)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, ~~((639, 768, and 821))~~ 640, 769, and 823 of this act and shall be managed by the department of general administration to construct a campus to serve at least 2,000 student full-time equivalents with approximately 1,200 for the University of Washington and 800 for Cascadia Community College.

Reappropriation:

State Building Construction Account—State	\$	40,000,000
Prior Biennia (Expenditures)	\$	7,970,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>47,970,000</u>

Sec. 934. 1999 c . . . (SHB 1165) s 640 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Bothell and Cascadia Community College Future Phases (98-2-999)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(3) The reappropriation in this section is to be combined with the appropriations shown in sections 617, (~~638, 768, and 821~~) 639, 769, and 823 of this act and shall be managed by the department of general administration.

(4) The predesign for phase II to serve at least 2,000 additional University of Washington and community college student full-time equivalents included in this reappropriation shall be conducted in accordance with the predesign manual published by the office of financial management.

(5) Design of phase IIA to serve at least 1,000 total University of Washington and Cascadia Community College student full-time equivalents shall not proceed until the completed predesign requirements in subsection (4) of this section have been reviewed and approved by the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	2,069,063
Prior Biennia (Expenditures)	\$	930,937
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,000,000

Sec. 935. 1999 c . . . (SHB 1165) s 769 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College: Development (00-2-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) No money from this appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) \$7,500,000 of this appropriation is provided solely for equipment and completion of phase I of the colocated campus.

(3) The appropriation in this section is subject to the review and allotment procedures under sections 902 through 904 of this act.

(4) The appropriation in this section is to be combined with the appropriations shown in sections 617, (~~638;~~) 639, 640, and (~~821~~) 823 of this act and shall be managed by the department of general administration.

(5) \$42,600,000 of this appropriation is provided solely for the completion of construction of phase IIA of the campus. The appropriation represents the total

state contribution for all costs including design, construction, and equipping of phase IIA of the campus.

(6) Phase IIA shall accommodate 1,000 additional full-time equivalent students when completed.

Appropriation:

State Building Construction Account—State	\$	50,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	<u>105,000,000</u>
TOTAL	\$	155,100,000

Sec. 936. 1999 c . . . (SHB 1165) s 798 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College - Transportation Trades: Design (96-2-662)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	25,000
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Appropriation:

State Building Construction Account—State	\$	((1,200,000))
		<u>1,240,000</u>
Prior Biennia (Expenditures)	\$	25,000
Future Biennia (Projected Costs)	\$	<u>16,230,000</u>
TOTAL	\$	((17,480,000))
		<u>17,520,000</u>

Sec. 937. 1999 c . . . (SHB 1165) s 817 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College - Classroom/Laboratory Building: Construction (98-2-660)

The appropriations in this section are subject to the review and allotment procedures under sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account—State	\$	310,000
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Appropriation:

State Building Construction Account—State	\$	((5,700,000))
		<u>5,900,000</u>
Prior Biennia (Expenditures)	\$	79,717
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	((6,089,717))
		<u>6,289,717</u>

Sec. 938. 1999 c . . . (SHB 1165) s 821 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College - Technology Resource Center: Design (98-2-674)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

Reappropriation:

State Building Construction Account—State	\$	67,064
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Appropriation:

State Building Construction Account—State	\$	((1,010,000))
		<u>1,045,000</u>
Prior Biennia (Expenditures)	\$	67,936
Future Biennia (Projected Costs)	\$	<u>10,760,000</u>
TOTAL	\$	((11,905,000))
		<u>11,940,000</u>

Sec. 939. 1999 c . . . (SHB 1165) s 822 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College Higher Education Center (98-2-675)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

(2) The program scope and project budget for this project shall comply with the approved predesign document on file with the office of financial management.

(3) The project shall be coordinated with Western Washington University in order to incorporate a distance education classroom and additional classroom, lab, and office space for use by the university.

Reappropriation:

State Building Construction Account—State	\$	17,942
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Appropriation:

State Building Construction Account—State	\$	((660,000))
		<u>685,000</u>
Prior Biennia (Expenditures)	\$	32,058
Future Biennia (Projected Costs)	\$	<u>9,175,000</u>
TOTAL	\$	((9,885,000))
		<u>9,910,000</u>

Sec. 940. 1999 c . . . (SHB 1165) s 923 [948] (uncodified) is amended to read as follows:

~~((The state treasurer shall transfer))~~ \$2,500,000 is appropriated from the state ((convention and trade center account)) building construction account for fiscal year 2000. The appropriation in this section shall be deposited to the Washington housing trust account.

Sec. 941. RCW 43.98A.050 and 1999 c . . . (SHB 1165) s 920 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than twenty-five percent to the state parks and recreation commission for the acquisition and development of state parks, with at least seventy-five percent of this money for acquisition costs. However, during the 1999-2001 biennium, distributions for acquisition and development of state parks shall not exceed four million two hundred fifty thousand dollars, and the proportion for acquisition costs shall be determined by the commission;

(b) Not less than twenty-five percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than fifteen percent for the acquisition and development of trails;

(d) Not less than ten percent for the acquisition and development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) The remaining amount shall be considered unallocated and shall be distributed by the committee to state and local agencies to fund high priority acquisition and development needs for parks, trails, and water access sites (~~((except that for the 1999-2001 biennium, unallocated funds may not be distributed to projects in the state parks category))~~).

(2) In distributing these funds, the committee retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) State and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) State and local agencies may apply for funds for water access sites under subsection (1)(d) of this section.

NEW SECTION. Sec. 942. A new section is added to 1999 c . . . (SHB 1165) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Thurston County Office Space Study

The appropriation in this section is subject to the following condition and limitation: The appropriation in this section is provided to conduct an analysis of future state office space needs in Thurston county, by agency, for the next ten years. The department shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings. Planning for state office expansion shall consider the impact on current office space.

Appropriation:

State Building Construction Account—State	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		0
TOTAL	\$	100,000

NEW SECTION. Sec. 943. A new section is added to 1999 c . . . (SHB 1165) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Sand Point Shoreline Restoration

The appropriation in this section is provided to the city of Seattle for shoreline improvements and wetland restoration at Sand Point.

Appropriation:

State Building Construction Account—State	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		0
TOTAL	\$	500,000

NEW SECTION. Sec. 944. A new section is added to 1999 c . . . (SHB 1165) to read as follows:

For the purposes of section 905 of this act, "operating revenues" shall include, but not be limited to, any funds of an agency, appropriated or nonappropriated.

NEW SECTION. Sec. 945. A new section is added to 1999 c . . . (SHB 1165) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

\$6,400,000 of the State Building Construction Account—State is reappropriated for allocation to the University of Washington for the following projects:

- Old Physics Hall: (Mary Gates Hall) Design and Construction (92-2-008)
- Minor Repairs: Preservation (94-1-003)
- Minor Works: Utility Infrastructure (96-1-004)
- Health Sciences Center D-Wing Dent Student Lab (96-1-016)
- Fisheries Science - Oceanography Science Buildings (96-2-006)
- Social Work Third Floor Addition (96-2-010)

- Southwest Campus Utilities Phase I (96-2-027)
- Minor Works: Safety (98-1-001)
- Minor Works: Preservation (98-1-004)
- Underground Storage Tanks, Motor Pool (98-1-999)
- Nuclear Reactor: Decommissioning (99-2-009)

NEW SECTION. Sec. 946. A new section is added to 1999 c . . . (SHB 1165) to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

Seattle - Convention Center: Replacement housing (00-2-002)

\$5,000,000 of the appropriation in this section is provided solely for additional low-income and affordable housing associated with the expansion of the convention center. The housing division of the department of community, trade, and economic development shall select the low-income and affordable housing projects, which shall be distributed throughout King county.

Appropriation:

State Convention and Trade Center	
Account—State	\$ 5,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 5,000,000

NEW SECTION. Sec. 947. A new section is added to 1999 c . . . (ESSB 5180) to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2000) \$ 3,000,000

The appropriation in this section is provided for emergency services readiness centers in Bremerton, Yakima, and Spokane.

NEW SECTION. Sec. 948. The state treasurer shall transfer \$2,500,000 from the state convention and trade center account to the Washington housing trust account.

NEW SECTION. Sec. 949. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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Passed the House April 25, 1999.

Passed the Senate April 25, 1999.

Approved by the Governor May 18, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 18, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 109, lines 16 through 31; section 748(1); and section 923, Substitute House Bill No. 1165 entitled:

"AN ACT Relating to the capital budget;"

My reasons for vetoing these sections are as follows:

Section 109, page 5, lines 16-31, Department of Community, Trade, and Economic Development, Burke Museum Governance and Siting Study

The Burke Museum requested funding to conduct a predesign study for an expansion of its facilities, which I recommended in my proposed budget. The Senate provided that the funds be used for a study on the governance of the Burke Museum, as well as the predesign. I do not consider a governance study to be an appropriate use of bond funds.

Section 748 (1), page 165, Washington Heritage Projects (Washington State Historical Society)

Section 748(1) would require state funding for listed heritage projects be disbursed in the order that matching requirements are met. That provision would introduce an additional condition - immediate availability of local funding - that did not exist when the projects were ranked by the Washington State Historical Society in consultation with the heritage community. I have vetoed section 748(1) to maintain the integrity of the original project prioritization process.

Section 923, pages 211-213, Salmon Recovery Grants Program (Office of the Governor)

An appropriation of \$111,875,000 to the salmon recovery funding board within the Office of the Governor was made to provide grants to local governments, state agencies, tribes, conservation districts, and nonprofit entities for salmon recovery activities. Use of this appropriation was conditioned on the passage of legislation involving the governance of salmon recovery activities in our state. Such legislation has not yet passed the legislature. When acceptable governance legislation is adopted by the legislature, this salmon recovery grant program money can also be approved.

With the exception of section 109, lines 16 through 31; section 748(1); and section 923, Substitute House Bill No. 1165 is approved."

CHAPTER 380

[Substitute House Bill 1166]
GENERAL OBLIGATION BONDS

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.84.092 and 43.84.092; adding a new chapter to Title 43 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriation acts for the 1999-01 fiscal biennium only, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion two hundred four million two hundred sixty-five thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (1) Nine hundred fifty million dollars to remain in the state building construction account created by RCW 43.83.020;
- (2) Twenty-two million five hundred thousand dollars to the outdoor recreation account created by RCW 43.99.060;
- (3) Twenty-two million five hundred thousand dollars to the habitat conservation account created by RCW 43.98A.020;
- (4) One hundred thirty-six million eight hundred thirty-six thousand dollars to the higher education construction account created by RCW 28B.14D.040;

(5) Thirty-six million three hundred thousand dollars to the state higher education construction account created by RCW 28B.10.851.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 2 (1), (2), and (3) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 2 (1), (2), and (3) of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2 (1), (2), and (3) of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 4. (1) The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 2 (4) and (5) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 2 (4) and (5) of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(4) of this act, the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the nondebt-limit reimbursement bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of section 2(4) of this act.

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(5) of this act, the board of regents of Washington State University shall cause to be paid out of the Washington State University nonappropriated funds to the state treasurer for deposit into the nondebt-limit reimbursement bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of section 2(5) of this act.

NEW SECTION. Sec. 5. (1) Bonds issued under sections 1 through 4 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof

and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 6. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 2 through 4 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 7. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 8. RCW 43.84.092 and 1997 c 218 s 5 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel

construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily

balance for the period: The aeronautics account, the aircraft search and rescue account, the central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the department of licensing services account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the gasohol exemption holding account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the small city account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation revolving loan account, and the urban arterial trust account.

(5) In conformance with Article 11, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 9. RCW 43.84.092 and 1998 c 341 s 708 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no

appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system combined plan II and plan III account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington school employees' retirement system combined plan II and III account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University

bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the department of licensing services account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the gasohol exemption holding account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the small city account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation revolving loan account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 7 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House April 1, 1999.

Passed the Senate April 25, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 381

[Engrossed Substitute Senate Bill 5208]
FERTILIZER LABELING

AN ACT Relating to fertilizer labeling language; amending RCW 15.54.340; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 15.54.340 and 1998 c 36 s 6 are each amended to read as follows:

(1) Any commercial fertilizer distributed in this state shall have placed on or affixed to the package a label setting forth in clearly legible and conspicuous form the following information:

(a) The net weight;

(b) The product name, brand, and grade. The grade is not required if no primary nutrients are claimed;

(c) The guaranteed analysis;

(d) The name and address of the registrant or licensee. The name and address of the manufacturer, if different from the registrant or licensee, may also be stated;

(e) Any information required under WAC 296-62-054;

(f) At a minimum, one of the following labeling statements: (~~"This product has been registered with the Washington State Department of Agriculture. When applied as directed, this fertilizer meets the Washington standards for arsenic, cadmium, cobalt, mercury, molybdenum, lead, nickel, selenium, and zinc. You have the right to receive specific information about Washington standards from the distributor of this product."~~;

~~—(g) After July 1, 1999, the label must also state:)~~

(i) "Information received by the Washington State Department of Agriculture regarding the components in this product is available on the internet at

(ii) "Information regarding the contents and levels of metals in this product is available on the internet at <http://www.wa.gov/agr/>"; or

(iii) "Information regarding the contents and levels of metals in this product is available on the internet at <http://www.regulatory-info-xx.com>". Each registrant must substitute a unique alpha numeric identifier for "xx". This statement may be used only if the registrant establishes and maintains the internet site and the internet site meets the following criteria:

(A) There is no advertising or company-specific information on the site;

(B) There is a clearly visible, direct hyperlink to the department's internet site specified in (f)(i) and (ii) of this subsection (1); and

(C) Any other criteria adopted by the director by rule; and

~~((h))~~ (g) Other information as required by the department by rule.

(2) If a commercial fertilizer is distributed in bulk, a written or printed statement of the information required by subsection (1) of this section shall accompany delivery and be supplied to the purchaser at the time of delivery.

(3) Each delivery of a customer-formula fertilizer shall be subject to containing those ingredients specified by the purchaser, which ingredients shall be shown on the statement or invoice with the amount contained therein, and a record of all invoices of customer-formula grade mixes shall be kept by the registrant or licensee for a period of twelve months and shall be available to the department upon request: PROVIDED, That each such delivery shall be accompanied by either a statement, invoice, a delivery slip, or a label if bagged, containing the following information: The net weight; the brand; the guaranteed analysis which may be stated to the nearest tenth of a percent or to the next lower whole number; the name and address of the registrant or licensee, or manufacturer, or both; and the name and address of the purchaser.

~~((4) Any person who distributes a commercial fertilizer in this state shall make available to the purchaser on request, a copy of standards for metals established in RCW 15.54.800.))~~

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the Senate April 22, 1999.

Passed the House April 15, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 382

[Engrossed Substitute Senate Bill 5866]

FERTILIZER PRODUCTS—COMPONENT REGISTRATION

AN ACT Relating to eliminating component registration of fertilizer products; amending RCW 15.54.325; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 15.54.325 and 1998 c 36 s 4 are each amended to read as follows:

(1) No person may distribute in this state a commercial fertilizer until it has been registered with the department by the producer, importer, or packager of that product. A bulk fertilizer does not require registration if all commercial fertilizer products contained in the final product are registered.

(2) An application for registration shall be made on a form furnished by the department and shall be accompanied by a fee of twenty-five dollars for each product. Labels for each product shall accompany the application. All companies planning to mix customer-formula fertilizers shall include the statement "customer-formula grade mixes" under the column headed "product name" on the product

registration application form. All customer-formula fertilizers sold under one brand name shall be considered one product.

(3) An application for registration shall include the following:

- (a) The product name;
- (b) The brand and grade;
- (c) The guaranteed analysis;
- (d) Name, address, and phone number of the registrant;
- (e) Labels for each product being registered;

(1) Identification of those products that are (i) waste-derived fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer materials containing phosphate;

~~(g) ((Identification of the fertilizer components in the commercial fertilizer product and verification that all the components are registered. If any of the components are not registered, then the application must include))~~ The concentration of each metal, for which standards are established under RCW 15.54.800, in each ((fertilizer component, for which standards are established under RCW 15.54.800)) product being registered, unless the product is (i) anhydrous ammonia or a solution derived solely from dissolving anhydrous ammonia in water, (ii) a customer-formula fertilizer containing only registered commercial fertilizers, or (iii) a packaged commercial fertilizer whose plant nutrient content is present in the form of a single chemical compound which is registered in compliance with this chapter and the product is not blended with any other material. The provisions of (g)(i) of this subsection do not apply if the anhydrous ammonia is derived in whole or in part from waste such that the fertilizer is a "waste-derived fertilizer" as defined in RCW 15.54.270. Verification of a registration relied on by an applicant under (g)(iii) of this subsection must be submitted with the application;

(h) Waste-derived fertilizers and micronutrient fertilizers shall include at a minimum, information to ensure the product complies with chapter 70.105 RCW and the resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.; and

(i) Any other information required by the department by rule.

(4) If an application for renewal of the product registration provided for in this section is not filed prior to July 1st of any one year, a penalty of ten dollars per product shall be assessed and added to the original fee and shall be paid by the applicant before the renewal registration shall be issued. The assessment of this late collection fee shall not prevent the department from taking any other action as provided for in this chapter. The penalty shall not apply if the applicant furnishes an affidavit that he or she has not distributed this commercial fertilizer subsequent to the expiration of his or her prior registration.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the Senate April 22, 1999.
 Passed the House April 14, 1999.
 Approved by the Governor May 18, 1999.
 Filed in Office of Secretary of State May 18, 1999.

CHAPTER 383

[Engrossed Substitute House Bill 2095]
 COMMERCIAL FERTILIZER REGISTRATION

AN ACT Relating to registration fees, stop sale and use, seizure, and disposal of commercial fertilizer; amending RCW 15.54.325, 15.54.330, 15.54.440, and 15.54.450; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 15.54.325 and 1998 c 36 s 4 are each amended to read as follows:

(1) No person may distribute in this state a commercial fertilizer until it has been registered with the department by the producer, importer, or packager of that product. A bulk fertilizer does not require registration if all commercial fertilizer products contained in the final product are registered.

(2) An application for registration shall be made on a form furnished by the department and shall ~~((be accompanied by a fee of twenty-five dollars for each product. Labels for each product shall accompany the application. All companies planning to mix customer formula fertilizers shall include the statement "customer formula grade mixes" under the column headed "product name" on the product registration application form. All customer formula fertilizers sold under one brand name shall be considered one product.~~

~~—(3) An application for registration shall~~) include the following:

- (a) The product name;
- (b) The brand and grade;
- (c) The guaranteed analysis;
- (d) Name, address, and phone number of the registrant;
- (e) Labels for each product being registered;
- (f) Identification of those products that are (i) waste-derived fertilizers, (ii) micronutrient fertilizers, or (iii) fertilizer materials containing phosphate;
- (g) Identification of the fertilizer components in the commercial fertilizer product and verification that all the components are registered. If any of the components are not registered, then the application must include the concentration of each metal in each fertilizer component, for which standards are established under RCW 15.54.800;
- (h) Waste-derived fertilizers and micronutrient fertilizers shall include at a minimum, information to ensure the product complies with chapter 70.105 RCW and the resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq.; and
- (i) Any other information required by the department by rule.

~~((4))~~ (3) All companies planning to mix customer-formula fertilizers shall include the statement "customer-formula grade mixes" under the column headed "product name" on the product registration application form. All customer-formula fertilizers sold under one brand name shall be considered one product.

(4) All registrations issued by the department for registrants whose names begin with the letters A through M expire on June 30th of even-numbered years and all registrations issued by the department for registrants whose names begin with the letters N through Z expire on June 30th of odd-numbered years, unless otherwise specified in rule adopted by the director.

(5) An application for registration shall be accompanied by a fee of fifty dollars for each product, except that an applicant whose registration expires in even-numbered years shall pay a fee of twenty-five dollars for each product for the registration period ending June 30, 2000.

(6) If an application for renewal of the product registration provided for in this section is not filed prior to July 1st of ~~((any one))~~ the registration renewal year, a ~~((penalty))~~ late fee of ten dollars per product shall be assessed and added to the original fee and shall be paid by the applicant before the renewal registration shall be issued. The assessment of this late ~~((collection))~~ fee shall not prevent the department from taking any other action as provided for in this chapter. The ~~((penalty))~~ late fee shall not apply if the applicant furnishes an affidavit that he or she has not distributed this commercial fertilizer subsequent to the expiration of his or her prior registration.

Sec. 2. RCW 15.54.330 and 1998 c 36 s 5 are each amended to read as follows:

(1) The department shall examine the commercial fertilizer product registration application form and labels for conformance with the requirements of this chapter. If the application and appropriate labels are in proper form and contain the required information, the particular commercial fertilizer products shall be registered by the department and a certificate of registration shall be issued to the applicant. ~~((All registrations expire June 30th of each year.))~~

(2) In reviewing the commercial fertilizer product registration application, the department may consider experimental data, manufacturers' evaluations, data from agricultural experiment stations, product review evaluations, or other authoritative sources to substantiate labeling claims. The data shall be from statistically designed and analyzed trials representative of the soil, crops, and climatic conditions found in the northwestern area of the United States.

(3) In determining whether approval of a labeling statement or guarantee of an ingredient is appropriate, the department may require the submission of a written statement describing the methodology of laboratory analysis utilized, the source of the ingredient material, and any reference material relied upon to support the label statement or guarantee of ingredient.

(4) Before registering a waste-derived fertilizer or micronutrient fertilizer, the department shall obtain written approval from the department of ecology as

provided in RCW (~~(15.54.800)~~) 15.54.820. Once a waste-derived fertilizer or micronutrient fertilizer has been approved by the department of ecology, its subsequent use in another product during that registration cycle shall not require department of ecology review. This subsection shall apply to new and renewal registration applications for periods beginning July 1, 1999, and thereafter.

Sec. 3. RCW 15.54.440 and 1987 c 45 s 23 are each amended to read as follows:

(1) Commercial fertilizers that are not registered in Washington state or that fail to meet the Washington standards for total metals pose an emergency situation because they may contain certain metals at levels which are harmful to Washington soils and plants and may contain substances which are harmful to the public without its knowledge. Commercial fertilizers that are not registered or that fail to meet the Washington standards for total metals are subject to immediate stop sale, stop use, or withdrawal from distribution in this state and seizure, disposal, or both.

(2) The department may issue and enforce a written (~~or printed~~) "stop sale," "stop use," or (~~removal~~) "withdrawal from distribution" order to the distributor, owner, or custodian of any lot of commercial fertilizer to hold (~~said~~) the commercial fertilizer at a designated place when the department has reasonable cause to believe such fertilizer is being offered or exposed for sale in violation of any of the provisions of this chapter (~~or until this chapter has been complied with and said commercial fertilizer is released by order in writing of the department~~).

(3) The department may issue and enforce a written immediate "stop sale," "stop use," or "withdrawal from distribution" order to any distributor, owner, or custodian of commercial fertilizer in the state for any commercial fertilizer that:

(a) Is not registered in Washington state; or

(b) According to the department, fails to meet the Washington standards for total metals, as established in RCW 15.54.800 or the rules adopted under this chapter.

(4) The department shall release the commercial fertilizer (~~so withdrawn~~) stopped or withdrawn under subsection (2) or (3) of this section when the distributor, owner, or custodian has complied with the provisions of this chapter and the rules adopted under it and the department has issued a written release order. If compliance is not or cannot be obtained, the department may institute proceedings under RCW 15.54.450 or may agree in writing with the distributor, owner, or custodian of the commercial fertilizer to an alternative disposition of the commercial fertilizer.

(5) All costs associated with any "stop sale," "stop use," or "withdrawal from distribution" incurred by the distributor, owner, or custodian of a commercial fertilizer are the responsibility of the distributor, owner, or custodian.

Sec. 4. RCW 15.54.450 and 1967 ex.s. c 22 s 33 are each amended to read as follows:

(1) Any lot of commercial fertilizer not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the department to a court of

competent jurisdiction in the area in which ~~((said))~~ the commercial fertilizer is located.

(2) Any commercial fertilizer that is not registered in the state or that fails to meet the Washington standards for total metals is subject to seizure on complaint of the department in the name of the state to Thurston county superior court or other court of competent jurisdiction.

(3) In the event the court finds ~~((the said commercial fertilizer to be in violation of)), upon application by the department under subsection (1) or (2) of this section, that a commercial fertilizer violates this chapter or the rules adopted under it and orders the condemnation of ~~((said))~~ the commercial fertilizer, ~~((it))~~ the commercial fertilizer shall be disposed of in any manner consistent with the quality of the commercial fertilizer and the laws of the state: PROVIDED, That in no instance shall the disposition of ~~((said))~~ the commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of ~~((said))~~ the commercial fertilizer or for permission to process or relabel ~~((said))~~ the commercial fertilizer to bring it into compliance with this chapter and the rules adopted under it.~~

(4) All costs associated with disposal are the responsibility of the distributor, owner, or custodian of the commercial fertilizer unless such a distributor, owner, or custodian is the consumer or is a person whose role as a distributor, owner, or custodian of the fertilizer is only that of a transporter of the fertilizer. Such disposal costs shall not be the responsibility of the consumer or such a transporter of the commercial fertilizer.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the House March 12, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 384

[Engrossed Substitute Senate Bill 5693]

DEVELOPMENTAL DISABILITIES ENDOWMENT TRUST FUND

AN ACT Relating to establishing a public/private endowment for developmental disabilities services; amending RCW 43.79A.040; and adding new sections to chapter 43.330 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. LEGISLATIVE INTENT. The legislature recognizes that the main and most enduring support for persons with developmental disabilities, along with public resources, is their immediate and extended families. The legislature recognizes that these families are searching for ways to provide for the long-term continuing care of their disabled family member when

the family can no longer provide that care. It is the intent of the legislature to encourage and assist families to engage in long-range financial planning and to contribute to the lifetime care of their disabled family member. To further these objectives, this chapter is enacted to finance long-term care for persons with developmental disabilities through an endowment funded jointly by the investment of public funds and dedicated family contributions.

The establishment of this endowment is not intended to diminish the state's responsibility for funding services currently available to future endowment participants, subject to available funding, nor is it the intent of the legislature, by the creation of this public/private endowment, to impose additional, unintended financial liabilities on the public.

NEW SECTION. Sec. 2. DEVELOPMENTAL DISABILITIES ENDOWMENT TRUST FUND. (1) The developmental disabilities endowment trust fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of the developmental disabilities endowment established under this chapter. Only the developmental disabilities endowment governing board or the board's designee may authorize expenditures from the fund. The fund shall retain its interest earnings in accordance with RCW 43.79A.040.

(2) The developmental disabilities endowment governing board shall deposit in the fund all money received for the program, including state appropriations and private matching contributions. With the exception of investment and operating costs associated with the investment of money by the state treasurer and the investment board paid under RCW 43.08.190, 43.79A.040, 43.33A.160, and 43.84.160, the fund shall be credited with all investment income earned by the fund. Disbursements from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

***NEW SECTION.** Sec. 3. INVESTMENT OF FUNDS. (1) *The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the developmental disabilities endowment trust fund. All investment and operating costs associated with the investment of money shall be paid under RCW 43.08.190, 49.79A.040, 43.33A.160, and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the fund.*

(2) *All investments made by the state investment board shall be made with the exercise of that degree of judgment and care under RCW 43.33A.140 and the investment policy established by the state investment board.*

(3) *As deemed appropriate by the investment board, money in the fund may be commingled for investment with other funds subject to investment by the board.*

(4) The authority to establish all policies relating to the fund, other than the investment policies as set forth in subsections (1) through (3) of this section, resides with the developmental disabilities endowment governing board acting in accordance with the principles set forth in section 5 of this act. With the exception of expenses of the state treasurer and the investment board set forth in subsection (1) of this section, disbursements from the fund shall be made only on the authorization of the developmental disabilities endowment governing board or the board's designee, and money in the fund may be spent only for the purposes of the developmental disabilities endowment program as specified in this chapter.

(5) The investment board shall routinely consult and communicate with the developmental disabilities endowment governing board on the investment policy, earnings of the trust, and related needs of the program.

**Sec. 3 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 4. DEVELOPMENTAL DISABILITIES ENDOWMENT GOVERNING BOARD. The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the director of the department of community, trade, and economic development shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows:

(a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the governor may stagger the terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

NEW SECTION. Sec. 5. ENDOWMENT PRINCIPLES. The design, implementation, and administration of the developmental disabilities endowment shall be governed by the following principles:

(1) The design and operation of the endowment should reward families who set aside resources for their child's future care and provide incentives for continued caregiving by the family.

(2) The endowment should encourage financial planning and reward caregiving by a broad range of families, not just those who have substantial financial resources.

(3) Families should not feel compelled to contribute to the endowment in order to meet the needs of continuing care for their child.

(4) All families should have equal access to developmental disabilities services not funded through the endowment regardless of whether they contribute to the endowment.

(5) Services funded through the endowment should be stable, ongoing, of reasonable quality, and respectful of individual and family preferences.

(6) Endowment resources should be expended economically in order to benefit as many families as possible.

(7) Endowment resources should be managed prudently so that families can be confident that their agreement with the endowment on behalf of their child will be honored.

(8) The private financial contribution on behalf of each person receiving services from the endowment shall be at least equal to the state's contribution to the endowment.

(9) In order to be matched with funding from the state's contribution to the endowment, the private contribution on behalf of a beneficiary must be sufficient to support the beneficiary's approved service plan for a significant portion of the beneficiary's anticipated remaining lifetime.

(10) The rate that state appropriations to the endowment are used to match private contributions shall be such that each legislative appropriation to the developmental disabilities endowment trust fund, including principal and investment income, is not depleted in a period of less than five years.

(11) Private contributions made on behalf of a particular individual, and the associated state match, shall only be used for services provided upon that person's behalf.

****NEW SECTION. Sec. 6. PROPOSED OPERATING PLAN. To the extent funds are appropriated for this purpose, the developmental disabilities endowment governing board shall contract with an appropriate organization for the development of a proposed operating plan for the developmental disabilities endowment program. The proposed operating plan shall be consistent with the endowment principles specified in section 5 of this act. The plan shall address at least the following elements:***

(1) The recommended types of services to be available through the endowment program and their projected average costs per beneficiary;

(2) An assessment of the number of people likely to apply for participation in the endowment under alternative rates of matching funds, minimum service year requirements, and contribution timing approaches;

(3) An actuarial analysis of the number of disabled beneficiaries who are likely to be supported under alternative levels of public contribution to the endowment, and the length of time the beneficiaries are likely to be served, under alternative rates of matching funds, minimum service year requirements, and contribution timing approaches;

(4) Recommended eligibility criteria for participation in the endowment program;

(5) Recommended policies regarding withdrawal of private contributions from the endowment in cases of movement out of state, death of the beneficiary, or other circumstances;

(6) Recommended matching rate of public and private contributions and, for each beneficiary, the maximum annual and lifetime amount of private contributions eligible for public matching funds;

(7) The recommended minimum years of service on behalf of a beneficiary that must be supported by private contributions in order for the contributions to qualify for public matching funds from the endowment;

(8) The recommended schedule according to which lump sum or periodic private contributions should be made to the endowment in order to qualify for public matching funds;

(9) A recommended program for educating families about the endowment, and about planning for their child's long-term future; and

(10) Recommended criteria and procedure for selecting an organization or organizations to administer the developmental disabilities endowment program, and projected administrative costs.

*Sec. 6 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 7. PROGRAM IMPLEMENTATION AND ADMINISTRATION. Based on the proposed operating plan under section 6 of this act, and to the extent funds are appropriated for this purpose, the developmental disabilities endowment governing board shall implement and administer, or contract for the administration of, the developmental disabilities endowment program under the principles specified in section 5 of this act. By October 1, 2000, and prior to implementation, the final program design shall be submitted to the appropriate committees of the legislature.

The secretary of the department of social and health services shall seek to maximize federal reimbursement and matching funds for expenditures made under the endowment program, and shall seek waivers from federal requirements as necessary for the receipt of federal funds.

The governing board may receive gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the

use and benefit of the purposes of the endowment program and may expend the gifts, grants, and endowments according to their terms.

Sec. 8. RCW 43.79A.040 and 1998 c 268 s 1 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility grant account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 9. CAPTIONS NOT LAW. Captions used in this chapter are not any part of the law.

NEW SECTION. Sec. 10. Sections 1 through 7 and 9 of this act are each added to chapter 43.330 RCW.

Passed the Senate April 25, 1999.

Passed the House April 25, 1999.

Approved by the Governor May 18, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 18, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 3 and 6, Engrossed Substitute Senate Bill No. 5693 entitled:

"AN ACT relating to establishing a public/private endowment for developmental disabilities services;"

Engrossed Substitute Senate Bill No. 5693 creates a developmental disabilities fund that is funded through private contributions and state appropriations. Its intent is to encourage and assist families engaging in long-range financial planning for the lifetime care of family members with disabilities by seeking private contributions to a state managed endowment.

While I agree with this intent and understand the desire of parents to make sure that they have planned for the lifetime care of a family member with disabilities, there are many fundamental policy issues unanswered in this bill:

- The legislation contains no definition of "developmentally disabled." A state-supported endowment should use the same or very similar definition as used in other state-funded programs for people with developmental disabilities in order to allow coordination with existing state-supported programs.
- This legislation provides no opportunity for the State Investment Board to invest in non-governmental securities.
- This legislation does not preclude using state funds for additional services beyond the case management plan. State dollars should not be used to fund additional services beyond a case management plan.
- It needs clarification that while a governing board will work out the rules in concert with the Department of Community, Trade and Economic Development (CTED), it is CTED that will formally adopt the rules. CTED should adopt any rules needed to govern provision of services and dispersal of funds.
- It is unclear if the program is just for individuals whose families contribute, or for all families. Provisions must be made for distribution of funds when contributions are made by entities that do not have family members benefiting from the fund.
- It is unclear as to the responsibility of the endowment fund when funds last longer than the life of a person with developmental disabilities or when the person lives longer than fund contributions.

Section 3 of the bill is related to the powers of the State Investment Board with regard to the endowment. Section 6 relates to the development of the proposed operating plan. My intent with this veto is to allow the creation of an endowment, but remove mechanisms for distribution of funds and functions for the governing board. I anticipate that the policy concerns I have outlined will be dealt with during the next legislative session.

For these reasons, I have vetoed sections 3 and 6 of Engrossed Substitute Senate Bill No. 5693.

With the exception of sections 3 and 6, Engrossed Substitute Senate Bill No. 5693 is approved."

CHAPTER 385

[Engrossed Substitute House Bill 1798]

SPECIAL NEEDS TRANSPORTATION—COORDINATION

AN ACT Relating to coordination of special needs transportation; amending RCW 47.06B.010, 47.06B.020, 47.06B.030, 47.06B.900, and 47.06B.901; and adding new sections to chapter 47.06B RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 47.06B.010 and 1998 c 173 s 1 are each amended to read as follows:

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. ~~((Lack of coordination produces irrational situations, such as several different vehicles arriving simultaneously at the same location to pick up several different persons with special needs. When separate vehicles arrive within minutes of each other to transport individuals with special needs to similar destinations, resources are wasted and fewer people are being served.))~~ In some cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.06B RCW to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Persons with special transportation needs" means those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation.

(2) "Special needs coordinated transportation" is transportation for persons with special transportation needs that is developed through a collaborative community process involving transportation providers; human service programs and agencies; consumers; social, educational, and health service providers; employer and business representatives; employees and employee representatives; and other affected parties.

NEW SECTION. **Sec. 3.** A new section is added to chapter 47.06B RCW to read as follows:

In order to increase efficiency, to reduce waste and duplication, to enable people to access social and health services, to provide a basic level of mobility, and to extend and improve transportation services to people with special transportation needs, the state shall implement the Program for Agency Coordinated Transportation. The program will improve transportation efficiency and

effectiveness to maximize the use of community resources so that more people can be served within available funding levels.

The Program for Agency Coordinated Transportation will facilitate a state-wide approach to coordination and will support the development of community-based coordinated transportation systems that exhibit the following characteristics:

(1) Organizations serving persons with special transportation needs share responsibility for ensuring that customers can access services.

(2) There is a single entry process for customers to use to have trips arranged and scheduled, so the customer does not have to contact different locations based on which sponsoring agency or program is paying for the trip.

(3) A process is in place so that when decisions are made by service organizations on facility siting or program policy implementation, the costs of client transportation and the potential effects on the client transportation costs of other agencies or programs are considered. Affected agencies are given an opportunity to influence the decision if the potential impact is negative.

(4) Open local market mechanisms give all providers who meet minimum standards an opportunity to participate in the program, and, in addition, allow for cost comparisons so that purchasers can select the least expensive trip most appropriate to the customer's needs.

(5) There is flexibility in using the available vehicles in a community so that the ability to transport people is not restricted by categorical claims to vehicles.

(6) There is maximum sharing of operating facilities and administrative services, to avoid duplication of costly program elements.

(7) Trip sponsors and service providers have agreed on a process for allocating costs and billing when they share use of vehicles.

(8) Minimum standards exist for at least safety, driver training, maintenance, vehicles, and technology to eliminate barriers that may prevent sponsors from using each other's vehicles or serving each other's clients.

(9) The system is user friendly. The fact that the system is supported by a multitude of programs and agencies with different eligibility, contracting, service delivery, payment, and funding structures does not negatively affect the customer's ability to access service.

(10) Support is provided for research, technology improvements, and sharing of best practices from other communities, so that the system can be continually improved.

(11) There are performance goals and an evaluation process that leads to continuous system improvement.

**Sec. 4. RCW 47.06B.020 and 1998 c 173 s 2 are each amended to read as follows:*

(1) The agency council on coordinated transportation is created. The council is composed of ~~((nine voting))~~ three ex officio members, six members appointed by the governor, and eight ~~((nonvoting,))~~ legislative members. All members have a vote on the council.

(2) ~~The ((nine-voting)) three ex officio members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, and the secretary of the department of social and health services or a designee((; and six members appointed by the governor as follows:)).~~

(3) The six members appointed by the governor must represent a balance of transportation providers and users of the system, and be chosen from organizations such as:

(a) ~~((One representative from))~~ The office of the governor;

(b) ~~((Two persons who are consumers of special needs transportation services))~~ The Washington Senior Lobby;

(c) ~~((One representative from))~~ The Governor's Committee on Disability Issues and Employment;

(d) The Washington Association of Pupil Transportation;

~~((d) One representative from))~~ (e) The Washington State Transit Association; ~~((and~~

~~(e) One of the following:~~

~~((i) A representative from))~~ (f) The Community Transportation Association of the Northwest; ~~((or~~

~~((ii) A representative from))~~ (g) The Community Action Council Association;

(h) A user of the system who is not a member of any of the organizations listed in (a) through (g) of this subsection.

~~((3))~~ (4) The eight ((nonvoting)) legislative members are ((legislators)) as follows:

(a) Four members from the house of representatives, two from each of the two largest caucuses, appointed by the speaker of the house of representatives, two who are members of the house transportation ((policy and budget)) committee and two who are members of the house appropriations committee; and

(b) Four members from the senate, two from each of the two largest caucuses, appointed by the president of the senate, two who are members of the transportation committee and two who are members of the ways and means committee.

~~((4))~~ (5) Gubernatorial appointees of the council will serve ((two-year)) three-year terms, staggered so that two members are replaced or reappointed each year. Individual appointees shall not serve for a period of more than six consecutive years.

(6) Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

~~((5) The secretary of transportation or a designee shall serve as the))~~ (7) A council chair and vice-chair must be elected every two years from among the ex officio members, by vote of the council.

~~((6))~~ **(8) The council shall carry out its duties to administer the Program for Agency Coordinated Transportation, to provide and manage grants to fund demonstration projects, and to provide assistance to community forums and planning processes within funds appropriated by the legislature or as provided for in subsection (10) of this section.**

(9) The department of transportation shall provide necessary staff support for the council to supplement council resources as needed.

~~((7))~~ **(10) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.**

*Sec. 4 was vetoed. See message at end of chapter.

Sec. 5. RCW 47.06B.030 and 1998 c 173 s 3 are each amended to read as follows:

To assure implementation of the Program for Agency Coordinated Transportation, the council, in coordination with stakeholders, shall:

~~(1) Develop (standards and strategies for coordinating special needs transportation;~~

~~— (2) Identify and develop, fund as resources are made available, and monitor coordinated transportation pilot projects;~~

~~— (3) Disseminate and encourage the widespread implementation of successful demonstration projects;~~

~~— (4) Identify and address barriers to transportation coordination;~~

~~— (5) Recommend to the legislature changes in law to assist coordination of transportation services;~~

~~— (6) Act as an information clearinghouse and advocate for coordinated transportation;~~

~~— (7)) guidelines for local planning of coordinated transportation in accordance with this chapter;~~

(2) Initiate local planning processes by contacting the board of commissioners and county councils in each county and encouraging them to convene local planning forums for the purpose of implementing special needs coordinated transportation programs at the community level;

(3) Work with local community forums to designate a local lead organization that shall cooperate and coordinate with private and nonprofit transportation brokers and providers, local public transportation agencies, local governments, and user groups;

(4) Provide a forum at the state level in which state agencies will discuss and resolve coordination issues and program policy issues that may impact transportation coordination and costs;

(5) Provide guidelines for state agencies to use in creating policies, rules, or procedures to encourage the participation of their constituents in community-based planning and coordination, in accordance with this chapter;

(6) Facilitate state-level discussion and action on problems and barriers identified by the local forums that can only be resolved at either the state or federal level;

(7) Develop and test models for determining the impacts of facility siting and program policy decisions on transportation costs;

(8) Develop methodologies and provide support to local and state agencies in identifying transportation costs;

(9) Develop guidelines for setting performance measures and evaluating performance;

(10) Develop monitoring reporting criteria and processes to assess state and local level of participation with this chapter;

(11) Administer and manage grant funds to develop, test, and facilitate the implementation of coordinated systems;

(12) Develop minimum standards for safety, driver training, and vehicles, and provide models for processes and technology to support coordinated service delivery systems;

(13) Provide a clearinghouse for sharing information about transportation coordination best practices and experiences;

(14) Promote research and development of methods and tools to improve the performance of transportation coordination in the state;

(15) Provide technical assistance and support to communities.

(16) Facilitate, monitor, provide funding as available, and give technical support to local planning processes;

(17) Form, convene, and give staff support to stakeholder work groups as needed to continue work on removing barriers to coordinated transportation;

(18) Advocate for the coordination of transportation for people with special transportation needs at the federal, state, and local levels;

(19) Recommend to the legislature changes in laws to assist coordination of transportation services;

(20) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets;

~~((8))~~ (21) Report to the legislature by December 1, ((1998)) 2000, on council activities including, but not limited to, the progress of community planning processes, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary.

NEW SECTION, Sec. 6. A new section is added to chapter 47.06B RCW to read as follows:

The council may request, and may require as a condition of receiving coordination grants, selected county governments to convene local planning forums and invite participation of all entities, including tribal governments, that serve or transport persons with special transportation needs. Counties are encouraged to coordinate and combine their forums and planning processes with other counties, as they find it appropriate. The local community forums must:

(1) Designate a lead organization to facilitate the community planning process on an ongoing basis;

(2) Identify functional boundaries for the local coordinated transportation system;

(3) Clarify roles and responsibilities of the various participants;

(4) Identify community resources and needs;

(5) Prepare a plan for developing a coordinated transportation system that meets the intent of this chapter, addresses community needs, and efficiently uses community resources to address unmet needs;

(6) Implement the community coordinated transportation plan;

(7) Develop performance measures consistent with council guidelines;

(8) Develop a reporting process consistent with council guidelines;

(9) Raise issues and barriers to the council when resolution is needed at either the state or federal level;

(10) Develop a process for open discussion and input on local policy and facility siting decisions that may have an impact on the special needs transportation costs and service delivery of other programs and agencies in the community.

Sec. 7. RCW 47.06B.900 and 1998 c 173 s 6 are each amended to read as follows:

The agency council on coordinated transportation is terminated on June 30, ~~((2003))~~ 2007, as provided in RCW 47.06B.901.

Sec. 8. RCW 47.06B.901 and 1998 c 173 s 7 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2004))~~ 2008:

(1) RCW 47.06B.010 and 1999 c . . . s 1 (section 1 of this act) & 1998 c 173 s 1;

(2) RCW 47.06B.— and 1999 c . . . s 2 (section 2 of this act);

(3) RCW 47.06B.— and 1999 c . . . s 3 (section 3 of this act);

(4) RCW 47.06B.020 and 1999 c . . . s 4 (section 4 of this act) & 1998 c 173 s 2; ~~(and~~

~~—(3))~~ (5) RCW 47.06B.030 and 1999 c . . . s 5 (section 5 of this act) & 1998 c 173 s 3; and

(6) RCW 47.06B.— and 1999 c . . . s 6 (section 6 of this act).

Passed the House March 11, 1999.

Passed the Senate April 15, 1999.

Approved by the Governor May 18, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 18, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 4, Engrossed Substitute House Bill No. 1798 entitled:

"AN ACT Relating to coordination of special needs transportation;"

Engrossed Substitute House Bill No. 1798 expands the duties of the Agency Council on Coordinated Transportation (ACCT) to include administering the program, managing grants, and providing assistance to local efforts. It also directs ACCT to develop a process for working with local agencies.

Section 4 of the bill relates to the composition of ACCT and voting status of its members. While I applaud the participation of legislators on the Council, it is more appropriate to maintain the current statutory voting conditions. The users and providers of these services are in the best position to determine the merits of various grant proposals. The legislators already have a vote on these matters during their legislative deliberations.

For these reasons, I have vetoed section 4 of Engrossed Substitute House Bill No. 1798.

With the exception of section 4, Engrossed Substitute House Bill No. 1798 is approved."

CHAPTER 386

[House Bill 1833]

SCHOOL FINANCING

AN ACT Relating to alternate financing for schools; amending RCW 28A.335.170 and 28A.530.010; and adding a new section to chapter 28A.525 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28A.335.170 and 1990 c 33 s 360 are each amended to read as follows:

The board of directors of any school district may enter into contracts for their respective districts (~~for periods not exceeding five years in duration~~) with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space(~~(;)~~) and portable buildings(~~(; security systems, computers and other equipment)~~) for periods not exceeding ten years in duration;

(2) To rent security systems, computers, and other equipment or to have maintained and repaired security systems, computers, and other equipment for periods not exceeding five years in duration; and

(3) To provide pupil transportation services for periods not exceeding five years in duration.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting will not exceed the projected cost of operating its own pupil transportation.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.505.140 and 28A.310.330.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW 28A.400.300 and 28A.405.210.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.525 RCW to read as follows:

The board of directors of any school district may use the proceeds of voter-approved bonds, voter-approved levies, state allocations for financial assistance, or other funds available to the district for: (1) Payment of an installment purchase contract for school plant facilities; or (2) payments under any financing lease the term of which is ten years or longer and that contains an option by the school district to purchase the leased property for nominal consideration. The authority granted by this section for the use of moneys from such sources is in addition to, and not in limitation of, any other authority provided by law, and the proceeds of voter-approved bonds or tax levies may be used for such payments to the full extent allowed by Article VII, section 2 of the state Constitution.

Sec. 3. RCW 28A.530.010 and 1991 c 114 s 3 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or
- (3) For erecting all buildings authorized by law, including but not limited to those mentioned in subsection (2) of this section immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or
- (4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or
- (5) For major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district; or
- (6) For payment of (a) an installment purchase contract for school plant facilities or (b) a financing lease the term of which is ten years or longer and that contains an option by the school district to purchase the leased property for nominal consideration, but only to the extent such payment constitutes a capital expenditure; or

(7) For any or all of these and other capital purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Except for bonds issued under RCW 28A.530.080, bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Passed the House April 24, 1999.

Passed the Senate April 23, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 387

[House Bill 1761]

RETIRED TEACHERS—SERVICE AS SUBSTITUTES

AN ACT Relating to increasing the number of hours that a retired teacher or administrator can serve as a substitute teacher or administrator without a reduction in benefits; and amending RCW 41.32.570.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 41.32.570 and 1997 c 254 s 5 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to five hundred twenty-five hours per school year without reduction of pension.

(3) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired teacher or retired administrator may also serve only as a substitute teacher for up to an additional (~~one hundred five~~) three hundred fifteen hours per school year without reduction of pension if:

(a) A school district, which is not a member of a multidistrict substitute cooperative, determines that it has exhausted or can reasonably anticipate that it will exhaust its list of qualified and available substitutes and the school board of the district adopts a resolution to make its substitute teachers who are retired teachers or retired administrators eligible for the ~~((additional one hundred five hours of))~~ extended service once the list of qualified and available substitutes has been exhausted. The resolution by the school district shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection; or

(b) A multidistrict substitute cooperative determines that the school districts have exhausted or can reasonably anticipate that they will exhaust their list of qualified and available substitutes and each of the school boards adopts a resolution to make their substitute teachers who are retired teachers or retired administrators eligible for the extended service once the list of qualified and available substitutes has been exhausted. The resolutions by each of the school districts shall state that the services of retired teachers and retired administrators are necessary to address the shortage of qualified and available substitutes. The resolutions shall be valid only for the school year in which they are adopted. The cooperative shall forward a copy of the resolutions with a list of retired teachers and retired administrators who have been employed as substitute teachers to the department and may notify the retired teachers and retired administrators included on the list of their right to take advantage of the provisions of this subsection.

(4) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section, a retired administrator or retired teacher may also serve as a substitute administrator up to an additional one hundred five hours per school year without reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired administrator or retired teacher are necessary because it cannot find a replacement administrator to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired administrator or retired teacher who has been employed as a substitute administrator to the department. ~~((However, a retired administrator or retired teacher may not serve more than a total of one hundred five additional hours per school year pursuant to subsections (3) and (4) of this section.))~~

(5) In addition to the five hundred twenty-five hours of service permitted under subsection (2) of this section and the one hundred five hours permitted under subsection (4) of this section, a retired principal may also serve as a substitute principal up to an additional two hundred ten hours per school year without a

reduction of pension if a school district board of directors adopts a resolution declaring that the services of a retired principal are necessary because it cannot find a replacement principal to fill a vacancy. The resolution shall be valid only for the school year in which it is adopted. The district shall forward a copy of the resolution with the name of the retired principal who has been employed as a substitute principal to the department.

(6) Subsection (2) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall apply only to benefits payable after June 11, 1986.

~~((6))~~ (7) Subsection (3) of this section shall apply to all persons governed by the provisions of plan 1, regardless of the date of their retirement, but shall only apply to benefits payable after September 1, 1994.

Passed the House April 20, 1999.

Passed the Senate April 14, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 388

[Substitute Senate Bill 5418]

K-12 ACCOUNTABILITY

AN ACT Relating to K-12 accountability and assistance; amending RCW 28A.630.887, 28A.630.889, 28A.320.205, and 28A.300.130; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28A.320.205, 28A.630.887, 28A.630.889, 28A.630.883, 28A.630.885, 28A.630.945, 28A.630.950, 28A.630.951, 28A.630.952, 28A.630.953, and 28A.630.954; repealing RCW 28A.300.138; repealing 1998 c 225 s 3 (uncodified); repealing 1995 c 209 s 3 (uncodified); repealing 1995 c 209 s 2 and 1992 c 141 s 203 (uncodified); providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

INTENT

NEW SECTION. Sec. 1. INTENT. The legislature finds that the purpose of Washington's accountability system is to improve student learning and student achievement of the essential academic learning requirement standards so that each individual student will be given the opportunity to become a responsible citizen and successfully live, learn, and work in the twenty-first century. To achieve this purpose, the accountability system should be based on student achievement and continuous improvement at all levels of Washington's education system and on a fundamental principle that all public school students have access to curriculum and instruction that is aligned to the standards.

The legislature further finds that the accountability system should rely on local responsibility and leadership. Districts and schools should be expected to improve and be evaluated based on their improvement over time. Districts should recognize exceptional progress and work closely with schools needing assistance.

The legislature further finds that the accountability system must be simple to use and understand. Consequences must be predictable and fair. Differences

among students, schools, and districts should be recognized and respected as the system is implemented. There should be a balance of each student's right to privacy and the public's right to know the overall levels of learning and achievement at the school, district, and state levels. In addition, the accountability system should be continuously reviewed and improved as more is learned about how schools operate to meet the learning needs of Washington's students.

PART 1 OVERSIGHT OF THE ACCOUNTABILITY SYSTEM

NEW SECTION. Sec. 101. COMMISSION FORMED AND MEMBERS APPOINTED. (1) The academic achievement and accountability commission is established.

(2) The primary purpose of the commission is to provide oversight of the state's educational accountability system.

(3) The commission shall consist of nine members selected as follows:

(a) One member shall be the superintendent of public instruction or the superintendent's designee; and

(b) Eight members shall be appointed by the governor. Four of the members shall be selected as follows: Each major caucus of the house of representatives and the senate shall submit a list of three names. The lists may not include the names of members of the legislature. The governor shall select a member from each list provided by each caucus. All members appointed by the governor shall be subject to confirmation by the senate.

(4) The governor shall appoint a chair from among the commission members.

(5) Appointees shall be individuals who are supportive of educational improvement, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved. The commission shall be composed of a balance of individuals from within and outside the public education system. The commission shall include educators, business leaders, and parents.

(6) The governor shall appoint its initial commission members by July 1, 1999. The first meeting of the commission shall be convened by the superintendent of public instruction no later than July 30, 1999.

(7) Appointed members shall serve for terms of four years, with the terms expiring on June 30th of the fourth year of the term. However, in the case of the initial members, four members shall serve four-year terms, two members shall serve three-year terms, and two members shall serve two-year terms, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.

(8) The governor shall fill any vacancy in appointments that may occur. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of three names submitted by the same caucus that provided the list from which the retiring member was appointed.

NEW SECTION. Sec. 102. COMMISSION'S POWERS AND DUTIES.
The powers and duties of the academic achievement and accountability commission shall include, but are not limited to the following:

- (1) For purposes of state-wide accountability, the commission shall:
 - (a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics by subject and grade level as the commission deems appropriate to improve student learning, once assessments in these subjects are required state-wide. The goals shall be in addition to any goals adopted in RCW 28A.630.887 (as recodified by this act). The commission may also revise any goal adopted in RCW 28A.630.887 (as recodified by this act). The commission shall adopt the goals by rule. However, before each goal is implemented, the commission shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;
 - (b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and determine student scores that identify levels of student performance below and beyond the standard. The commission shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose;
 - (c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:
 - (i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature under RCW 28A.630.887 (as recodified by this act) and the commission under (a) of this subsection;
 - (ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and
 - (iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index.

When determining the baseline year or years for recognizing individual schools, the commission may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the commission shall consider the use of all state-wide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies, beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies. Beginning no earlier than June 30, 2001, and after the legislature has authorized a set of intervention strategies, at the request of the commission, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the commission or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(h) Annually report by December 1st to the legislature, the governor, the superintendent of public instruction, and the state board of education on the progress, findings, and recommendations of the commission. The report may include recommendations of actions to help improve student achievement;

(i) By December 1, 2000, and by December 1st annually thereafter, report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the reading goal under RCW 28A.630.887 (as recodified by this act) and any additional goals adopted by the commission;

(j) Coordinate its activities with the state board of education and the office of the superintendent of public instruction;

(k) Seek advice from the public and all interested educational organizations in the conduct of its work; and

(l) Establish advisory committees, which may include persons who are not members of the commission;

(2) Holding meetings and public hearings, which may include regional meetings and hearings;

(3) Hiring necessary staff and determining the staff's duties and compensation. However, the office of the superintendent of public instruction shall provide staff support to the commission until the commission has hired its own staff, and shall provide most of the technical assistance and logistical support needed by the commission thereafter. The office of the superintendent of public instruction shall

be the fiscal agent for the commission. The commission may direct the office of the superintendent of public instruction to enter into subcontracts, within the commission's resources, with school districts, teachers, higher education faculty, state agencies, business organizations, and other individuals and organizations to assist the commission in its deliberations; and

(4) Receiving per diem and travel allowances as permitted under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 103. COMMISSION'S REPORT ON ACCOUNTABILITY POLICIES. By September 5, 2000, the academic achievement and accountability commission shall recommend accountability policies to the governor, the superintendent of public instruction, and the education and fiscal committees of the house of representatives and senate. The policies shall include, but need not be limited to:

(1) A graduated series of increasingly intensive state intervention strategies for schools and school districts in which low-performance persists over an identified period of time.

(a) The strategies shall be formulated in accordance with the assumption that school districts have primary responsibility for intervening in schools with relatively large numbers of students who are not achieving the essential academic learning requirements.

(b) The strategies shall be formulated in accordance with the assumption that continued low performance despite school district efforts shall trigger an evaluation by the commission. The evaluation is intended to identify the next steps needed to improve student performance. In its evaluation, the commission shall use multiple sources of information that may include, but need not be limited to:

- (i) The results of the Washington assessment of student learning;
- (ii) The results of state-mandated norm-referenced standardized tests;
- (iii) Student achievement evidence from other district or school assessments;
- (iv) The level of improvement in student achievement over time;
- (v) Student mobility and poverty;
- (vi) Attendance and dropout rates;
- (vii) Graduation rates and posthigh school indicators;
- (viii) The percent of students in special programs; and
- (ix) Other factors presented by individual districts or schools.

(c) In its deliberations, the commission shall consider issues of due process, student dropout rates, management and personnel, and educational options, including public school choice options, for students attending schools in which the state has intervened. The commission may consider intervention strategies underway in Washington and other states;

- (2) Additional assistance measures for students and schools;
- (3) Rewards for successful schools and school districts; and

(4) Any statutory changes necessary to give the superintendent of public instruction the authority to implement, in a school or school district, the state intervention strategies identified in subsection (1) of this section.

PART 2
ACCOUNTABILITY GOALS, INCLUDING GOALS IN
READING AND MATHEMATICS

Sec. 201. RCW 28A.630.887 and 1998 c 319 s 101 are each amended to read as follows:

(1) ~~((By December 15, 1998,))~~ Each school district board of directors shall:

(a) Select the reading standard results on either the 1997 or 1998 fourth grade Washington assessment of student learning as the school district's initial baseline reading standard. Districts may select the 1997 results only if all of the elementary schools with fourth grade students administered the assessment;

(b) By December 15, 2001, select the mathematics standard results on the 1998, 1999, or 2000 fourth grade Washington assessment of student learning as the school district's fourth grade baseline mathematics standard, using for its baseline a year in which all of the elementary schools with fourth grade students administered the assessment;

(c) Establish ~~((a))~~ three-year, district-wide goals to increase, by the end of the 2000-01 school year, the percentage of students who meet or exceed the reading standard, and by the 2003-04 school year, the percentage of students who meet or exceed the mathematics standard on the fourth grade Washington assessment of student learning. The three-year percentage increase goal in each subject may not be less than the district's total percentage of students who did not meet the baseline ~~((reading))~~ standard in each subject multiplied by twenty-five percent;

~~((e))~~ (d) Specify the annual district-wide percentage improvement increments to meet the ~~((three-year))~~ goals; and

~~((d))~~ (e) Direct each elementary school to establish ~~((a))~~ three-year goals for its fourth grade students, subject to approval by the board. The aggregate of the elementary school goals must meet or exceed the district-wide goals established by the board.

(2) ~~((Each school district board of directors shall:~~

~~— (a) Report biannually to parents in writing and to the community in a public meeting the following information:~~

~~— (i) District-wide and school-level three-year goals;~~

~~— (ii) Student performance relative to the goals; and~~

~~— (iii) District-wide and school-level plans to achieve the reading goal in kindergarten through fourth grade, including grade-level expectations, curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the reading standard;~~

~~— (b) Report annually to the superintendent of public instruction and in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and~~

~~—(e) Include the reported information in each school's annual school performance report under RCW 28A.320.205.~~

~~—(3) By December 1, 2000, the superintendent of public instruction shall report to the education committees of the house of representatives and the senate on the progress that has been made in achieving the three-year reading goal, and provide recommendations to the legislature on setting reading goals for the next three years.~~

~~—(4) This section expires July 1, 2006.)~~ By December 15, 2001, each school district board of directors shall:

(a) Select the mathematics standard results on the 1998, 1999, 2000, or 2001 seventh grade Washington assessment of student learning as the school district's seventh grade baseline mathematics standard;

(b) Establish a three-year district-wide goal to increase, by the end of the 2003-04 school year, the percentage of students who meet or exceed the mathematics standard, on the seventh grade Washington assessment of student learning. The district shall select for its baseline a year in which all of the schools with seventh grade students administered the assessment. The percentage increase goal may not be less than the district's total percentage of students who did not meet the baseline standard in mathematics multiplied by twenty-five percent;

(c) Specify the annual district-wide percentage improvement increments necessary to meet the goal; and

(d) Direct each middle or junior high school, as appropriate, to establish a mathematics goal for its seventh grade students, subject to approval by the board. The aggregate of the middle or junior high school goals must meet or exceed the district-wide goals established by the board in each subject.

(3) Schools and school districts in which ten or fewer students are eligible to be assessed in a grade level are not required to establish numerical improvement goals and performance relative to the goals.

PART 3 REPORTING RESULTS

Sec. 301. RCW 28A.630.889 and 1998 c 319 s 301 are each amended to read as follows:

(1) By September 10, 1998, and by September 10th each year thereafter, the superintendent of public instruction shall((+)

~~—(a))~~ report to schools, school districts, and the legislature on the results of the ~~((fourth grade))~~ Washington assessment of student learning ~~((+and~~

~~—(b) Post individual school results of the fourth grade Washington assessment of student learning on the superintendent of public instruction's internet world-wide web site)) and state-mandated norm-referenced standardized tests.~~

(2) The reports shall include the assessment results by school and school district, and include changes over time. For the Washington assessment of student learning, results shall be reported as follows:

(a) The percentage of students meeting the standards;

(b) The percentage of students performing at each level of the assessment; and
(c) A learning improvement index that shows changes in student performance within the different levels of student learning reported on the Washington assessment of student learning.

(3) The reports shall contain data regarding the different characteristics of schools, such as poverty levels, percent of English as a second language students, dropout rates, attendance, percent of students in special education, and student mobility so that districts and schools can learn from the improvement efforts of other schools and districts with similar characteristics.

(4) The reports shall contain student scores on mandated tests by comparable Washington schools of similar characteristics.

(5) The reports shall contain information on public school choice options available to students, including vocational education.

(6) The reports shall be posted on the superintendent of public instruction's internet web site.

(7) To protect the privacy of students, the results of schools and districts that test fewer than ten students in a grade level shall not be reported. In addition, in order to ensure that results are reported accurately, the superintendent of public instruction shall maintain the confidentiality of state-wide data files until the superintendent determines that the data are complete and accurate.

(8) The superintendent of public instruction shall monitor the percentage and number of special education and limited English-proficient students exempted from taking the assessments by schools and school districts to ensure the exemptions are in compliance with exemption guidelines.

~~((2) This section expires July 1, 2006.))~~

NEW SECTION. Sec. 302. SCHOOL DISTRICT REPORTS ON PROGRESS TOWARD PERFORMANCE GOALS. Each school district board of directors shall:

(1)(a) Annually report to parents and to the community in a public meeting and annually report in writing the following information:

(i) District-wide and school-level performance improvement goals;

(ii) Student performance relative to the goals; and

(iii) District-wide and school-level plans to achieve the goals, including curriculum and instruction, parental or guardian involvement, and resources available to parents and guardians to help students meet the state standards;

(b) Report annually in a news release to the local media the district's progress toward meeting the district-wide and school-level goals; and

(c) Include the school-level goals, student performance relative to the goals, and a summary of school-level plans to achieve the goals in each school's annual school performance report under RCW 28A.320.205 (as recodified by this act).

(2) School districts in which ten or fewer students in the district or in a school in the district are eligible to be assessed in a grade level are not required to report numerical improvement goals and performance relative to the goals, but are

required to report to parents and the community their plans to improve student achievement.

Sec. 303. RCW 28A.320.205 and 1993 c 336 s 1006 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.630.885 (as recodified by this act) becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years and shall ~~((project goals in performance categories))~~ include school level goals under RCW 28A.630.887 (as recodified by this act), student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to the previous year's performance, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: (a) A brief statement of the mission of the school and the school district; (b) enrollment statistics including student demographics; (c) expenditures per pupil for the school year; (d) a summary of student scores on all mandated tests; (e) a concise annual budget report; (f) student attendance, graduation, and dropout rates; (g) information regarding the use and condition of the school building or buildings; (h) a brief description of the ~~((restructuring))~~ learning improvement plans for the school; and (i) an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, and update periodically, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. In order to make school performance reports broadly accessible to the public, the superintendent of public instruction, to the extent feasible, shall make information on each school's report available on or through the superintendent's internet web site.

PART 4
ASSISTANCE FOR SCHOOLS AND DISTRICTS

Sec. 401. RCW 28A.300.130 and 1996 c 273 s 5 are each amended to read as follows:

(1) Expanding activity in educational research, educational restructuring, and educational improvement initiatives has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, to the extent funds are appropriated, shall establish the center for the improvement of student learning. The primary purpose of the center is to provide assistance and advice to parents, school board members, educators, and the public regarding strategies for assisting students in learning the essential academic learning requirements pursuant to RCW 28A.630.885. The center shall work in conjunction with the academic achievement and accountability commission (~~(on-student-learning)~~), educational service districts, (~~and~~) institutions of higher education, and education, parent, community, and business organizations.

(2) The center, in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for the completed work and activities of the academic achievement and accountability commission (~~(on-student-learning)~~);

(b) Serve as a clearinghouse for information regarding successful educational (~~(restructuring)~~) improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational (~~(restructuring)~~) improvement initiatives in Washington schools and districts;

(c) Provide best practices research and advice that can be used to help schools develop and implement: Programs and practices to improve (~~(reading)~~) instruction of the essential academic learning requirements under section 701 of this act; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; ((school)) comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the diverse needs of students based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(d) Develop and distribute, in conjunction with the academic achievement and accountability commission (~~(on-student-learning)~~), parental involvement materials, including instructional guides developed to inform parents of the essential

academic learning requirements. The instructional guides also shall contain actions parents may take to assist their children in meeting the requirements, and should focus on reaching parents who have not previously been involved with their children's education;

(e) Identify obstacles to greater parent and community involvement in school shared decision-making processes and recommend strategies for helping parents and community members to participate effectively in school shared decision-making processes, including understanding and respecting the roles of school building administrators and staff;

(f) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(g) Take other actions to increase public awareness of the importance of parental and community involvement in education;

~~((g))~~ (h) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available ~~((under RCW 28A.305.140))~~ and the broadened school board powers under RCW 28A.320.015;

~~((h))~~ (i) Provide training and consultation services, including conducting regional summer institutes;

~~((i))~~ (j) Address methods for improving the success rates of certain ethnic and racial student groups; and

~~((j))~~ (k) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction, after consultation with the academic achievement and accountability commission ~~((on student learning))~~, shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. ~~((The superintendent shall contract out with community-based organizations to meet the provisions of subsection (2)(d) and (e) of this section.))~~ In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

~~((5) The superintendent shall report annually to the commission on student learning on the activities of the center.))~~

NEW SECTION. Sec. 402. ACCOUNTABILITY IMPLEMENTATION FUNDS. (1) To the extent funds are appropriated, the office of the superintendent of public instruction annually shall allocate accountability implementation funds to school districts. The purposes of the funds are to: Develop and update student learning improvement plans; implement curriculum materials and instructional

strategies; provide staff professional development to implement the selected curricula and instruction; develop and implement assessment strategies and training in assessment scoring; and fund other activities intended to improve student learning for all students, including students with diverse needs. Activities funded by the allocations must be consistent with the school or district improvement plan, designed to improve the ability of teachers and other instructional certificated and classified staff to assist students in meeting the essential academic learning requirements, and designed to achieve state and local accountability goals. Activities funded by the allocations shall be designed to protect the teachers' instructional time with students and minimize the use of substitute teachers.

(2) Schools receiving funds shall develop, update as needed, and keep on file a school student learning improvement plan to achieve the student learning goals and essential academic learning requirements and to implement the assessment system as it is developed. The plan shall delineate how the accountability implementation funds will be used to accomplish the requirements of this section. The plan shall be made available to the public and to others upon request.

(3) The amount of allocations shall be determined in the omnibus appropriations act.

(4) The state schools for the deaf and blind are eligible to receive allocations under this section.

(5) The superintendent of public instruction may adopt timelines and rules as necessary under chapter 34.05 RCW to administer the program, and require that schools and districts submit reports regarding the use of the funds.

NEW SECTION. Sec. 403. HELPING CORPS. (1) In order to increase the availability and quality of technical assistance state-wide, the superintendent of public instruction, subject to available funding, may employ school improvement coordinators and school improvement specialists to provide assistance to schools and districts. The improvement specialists shall serve on a rotating basis and shall not be permanent employees.

(2) The types of assistance provided by the improvement coordinators and specialists may include, but need not be limited to:

(a) Assistance to schools to use student performance data and develop improvement plans based on those data;

(b) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments;

(c) Consultation concerning curricula that aligns with the essential academic learning requirements and the Washington assessment of student learning and that meets the needs of diverse learners;

(d) Assistance in the identification and implementation of research-based instructional practices;

(e) Staff training that emphasizes effective instructional strategies and classroom-based assessment;

(f) Assistance in developing and implementing family and community involvement programs; and

(g) Other assistance to schools and school districts intended to improve student learning.

PART 5

TRANSFER OF DUTIES AND MATERIALS

NEW SECTION. Sec. 501. SUPERINTENDENT OF PUBLIC INSTRUCTION'S DUTIES FOR STANDARDS AND ASSESSMENTS. (1) The superintendent of public instruction shall identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements.

(3) In consultation with the academic achievement and accountability commission, the superintendent of public instruction shall maintain and continue to develop and revise a state-wide academic assessment system for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(5) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(6) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(7) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(8) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(9) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

NEW SECTION. Sec. 502. COMMISSION ON STUDENT LEARNING—TRANSFER OF POWERS. (1) Beginning July 1, 1999, the powers, duties, and functions of the commission on student learning are transferred to the academic achievement and accountability commission or to the superintendent of public instruction as appropriate under the transfer of duties made from the commission on student learning to the academic achievement and accountability commission or the superintendent of public instruction under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the academic achievement and accountability commission when addressing the duties, activities, or functions regarding the accountability system under this act. All references to the commission on student learning in the Revised Code of Washington shall be construed to mean the superintendent of public instruction when addressing the duties, activities, or functions regarding the essential academic learning requirements, the standards, or the assessments addressed under this act.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission on student learning shall be delivered to the custody of the academic achievement and accountability commission or the superintendent of public instruction, as appropriate. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission on student learning shall be made available to the academic achievement and accountability commission or the superintendent of public instruction, as appropriate.

(3) The transfer of the powers, duties, functions, and personnel of the commission on student learning shall not affect the validity of any act performed before the effective date of this section.

PART 6 MISCELLANEOUS

NEW SECTION. Sec. 601. ANALYSIS OF FOURTH GRADE MATHEMATICS ASSESSMENT. By August 1, 2000, the superintendent of public instruction shall complete an objective analysis of the fourth grade mathematics assessment. The analysis shall include, but need not be limited to, the student developmental level required to achieve the fourth grade standard successfully and the extent to which the assessment measures a student's computational skills, problem-solving skills, math communications skills, and a breakdown of other skills assessed. The analysis shall include the percentage of items that: Require students to use computational skills without the use of technology; require the use of technology to complete an item; measure mathematics communication skills; measure problem-solving skills; and measure other skills included in the mathematics assessment. The superintendent of public

instruction shall consult recognized experts with differing views on the instruction of mathematics, and report the results of the analysis to the governor and the education committees of the house of representatives and the senate by August 15, 2000.

NEW SECTION. Sec. 602. CONSOLIDATED PLANNING. The superintendent of public instruction, in consultation with school district personnel, shall consolidate and streamline the planning, application, and reporting requirements for major state and federal categorical and grant programs. The superintendent also shall take actions to increase the use of online electronic applications and reporting.

NEW SECTION. Sec. 603. SLIGS REPEALED. RCW 28A.300.138 (Student learning improvement grants) and 1994 c 245 s 1 & 1993 c 336 s 301 are each repealed.

NEW SECTION. Sec. 604. REPEALERS. The following acts or parts of acts are each repealed:

- (1) 1998 c 225 s 3 (uncodified);
- (2) 1995 c 209 s 3 (uncodified); and
- (3) 1995 c 209 s 2 & 1992 c 141 s 203 (uncodified).

NEW SECTION. Sec. 605. PART HEADINGS AND SECTION CAPTIONS NOT LAW. Part headings and section captions used in this act are not any part of the law.

NEW SECTION. Sec. 606. NEW ACCOUNTABILITY CHAPTER CREATED. Sections 101 through 103, 302, 402, 403, 501, 502, and 602 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 607. RECODIFICATIONS. The following sections are each recodified as new sections in the chapter created in section 606 of this act:

RCW 28A.320.205
 RCW 28A.630.887
 RCW 28A.630.889
 RCW 28A.630.883
 RCW 28A.630.885
 RCW 28A.630.945
 RCW 28A.630.950
 RCW 28A.630.951
 RCW 28A.630.952
 RCW 28A.630.953
 RCW 28A.630.954

NEW SECTION. Sec. 608. EMERGENCY CLAUSE. (1) Section 101 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

(2) Sections 502 and 604 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 609. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate April 24, 1999.

Passed the House April 24, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 389

[Senate Bill 5127]

CHILD ABUSE INVESTIGATIONS

AN ACT Relating to investigations of abuse or neglect; amending RCW 74.14B.010 and 26.44.035; adding a new section to chapter 43.101 RCW; adding new sections to chapter 26.44 RCW; adding a new section to chapter 43.20A RCW; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

***NEW SECTION. Sec. 1.** *The state of Washington affirms the importance of ensuring that crimes involving child sexual abuse are investigated thoroughly and objectively. Children who have been victims of crime deserve to have those who committed the crimes against them brought to justice. Those who may have been accused should expect that investigative agencies will make every effort to conduct thorough and impartial investigations.*

The best approach to investigations of child sexual abuse crimes involves a coordinated effort by investigative agencies that minimizes repetitive investigative interviews and improves the quality of the investigations. The legislature intends to improve the training and resources available to individuals who conduct these interviews and to increase the accuracy of risk assessments and determinations of fact associated with interviews.

*Sec. 1 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 43.101 RCW to read as follows:

(1) On-going specialized training shall be provided for persons responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(2) The commission, the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement state-wide training that contains consistent elements for persons engaged in the interviewing of

children for child sexual abuse cases, including law enforcement, prosecution, and child protective services.

(3) The training shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; and (i) documentation of investigative interviews.

NEW SECTION. Sec. 3. The Washington state institute for public policy shall convene a work group to develop state guidelines for the development of child sexual abuse investigations protocols. The work group shall consist of representatives from the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys.

The work group shall solicit input from a mental health professional certified under chapter 18.19 RCW, a physician licensed under chapter 18.71 RCW with substantial experience in child sexual abuse examinations, a member of the Washington state bar whose practice is primarily defense-oriented, the attorney general, a superior court judge, a child development specialist, a representative from an agency serving the developmentally disabled, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, a representative from a child serving agency, and a victim's advocate.

The work group guidelines shall include issues to be addressed within local protocols adopted pursuant to this act. Those issues shall include multivictim cases, cases involving multiple suspects, information sharing between the department and law enforcement, methods to reduce the number of investigative interviews, and documentation of investigations.

The work group guidelines shall be provided as a resource to local agencies in developing local protocols mandated under this act.

The guidelines developed by the work group shall be presented to the legislature not later than December 1, 1999.

NEW SECTION. Sec. 4. A new section is added to chapter 26.44 RCW to read as follows:

(1) Each agency involved in investigating child sexual abuse shall document its role in handling cases and how it will coordinate with other local agencies or systems and shall adopt a local protocol based on the state guidelines. The department and local law enforcement agencies may include other agencies and systems that are involved with child sexual abuse victims in the multidisciplinary coordination.

(2) Each county shall develop a written protocol for handling criminal child sexual abuse investigations. The protocol shall address the coordination of child sexual abuse investigations between the prosecutor's office, law enforcement, the department, local advocacy groups, and any other local agency involved in the criminal investigation of child sexual abuse, including those investigations involving multiple victims and multiple offenders. The protocol shall be developed by the prosecuting attorney with the assistance of the agencies referenced in this subsection.

(3) Local protocols under this section shall be adopted and in place by July 1, 2000, and shall be submitted to the legislature prior to that date.

Sec. 5. RCW 74.14B.010 and 1987 c 503 s 8 are each amended to read as follows:

(1) Caseworkers employed in children services shall meet minimum standards established by the department of social and health services. Comprehensive training for caseworkers shall be completed before such caseworkers are assigned to case-carrying responsibilities without direct supervision. Intermittent, part-time, and standby workers shall be subject to the same minimum standards and training.

(2) On-going specialized training shall be provided for persons responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(3) The department, the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement state-wide training that contains consistent elements for persons engaged in the interviewing of children, including law enforcement, prosecution, and child protective services.

(4) The training shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; (h) address record retention and retrieval; and (i) documentation of investigative interviews.

NEW SECTION. Sec. 6. A new section is added to chapter 43.20A RCW to read as follows:

The department shall establish three pilot projects involving child sexual abuse investigations. The projects shall follow written protocols and use different methods and techniques to conduct and preserve interviews with alleged child victims of sexual abuse. The department shall provide the appropriate committees of the senate and house of representatives an interim report by December 15, 1999, and a final report by December 15, 2000. The Washington state institute for public

policy shall evaluate the pilot projects and report to the legislature by December 1, 2000.

Sec. 7. RCW 26.44.035 and 1997 c 386 s 26 are each amended to read as follows:

(1) If the department or a law enforcement agency responds to a complaint of alleged child abuse or neglect and discovers that another agency has also responded to the complaint, the agency shall notify the other agency of their presence, and the agencies shall coordinate the investigation and keep each other apprised of progress.

(2) The department, each law enforcement agency, each county prosecuting attorney, each city attorney, and each court shall make as soon as practicable a written record and shall maintain records of all incidents of suspected child abuse reported to that person or agency.

(3) Every employee of the department who conducts an interview of any person involved in an allegation of abuse or neglect shall retain his or her original written records or notes setting forth the content of the interview unless the notes were entered into the electronic system operated by the department which is designed for storage, retrieval, and preservation of such records.

(4) Written records involving child sexual abuse shall, at a minimum, be a near verbatim record for the disclosure interview. The near verbatim record shall be produced within fifteen calendar days of the disclosure interview, unless waived by management on a case-by-case basis.

(5) Records kept under this section shall be identifiable by means of an agency code for child abuse.

NEW SECTION. Sec. 8. The legislature finds that the parent, guardian, or foster parent of a child who may be the victim of abuse or neglect may become involved in the investigation of the abuse or neglect. The parent, guardian, or foster parent may also be made a party to later court proceedings and be subject to a court-ordered examination by a physician, psychologist, or psychiatrist. It is the intent of the legislature by enacting section 9 of this act to avoid actual or perceived conflicts of interest that may occur when the parent, guardian, or foster parent is also a law enforcement officer and is assigned to conduct the investigation of alleged abuse or neglect concerning the child.

NEW SECTION. Sec. 9. A new section is added to chapter 26.44 RCW to read as follows:

A law enforcement agency shall not allow a law enforcement officer to participate as an investigator in the investigation of alleged abuse or neglect concerning a child for whom the law enforcement officer is, or has been, a parent, guardian, or foster parent. This section is not intended to limit the authority or duty of a law enforcement officer to report, testify, or be examined as authorized or required by this chapter, or to perform other official duties as a law enforcement officer.

NEW SECTION. Sec. 10. If specific funding for the purposes of sections 1 through 7 this act, referencing sections 1 through 7 of this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, sections 1 through 7 this act are null and void.

Passed the Senate April 20, 1999.

Passed the House April 15, 1999.

Approved by the Governor May 18, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 18, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 1, Senate Bill No. 5127 entitled:

"AN ACT Relating to investigations of abuse or neglect;"

Senate Bill No. 5127 requires specialized training for law enforcement officers and caseworkers who investigate allegations of child sexual abuse. It also prohibits a law enforcement officer from participating in an investigation of alleged abuse concerning a child for whom the officer is a parent, guardian or foster parent.

The training required by SB 5127 is not adequately funded by the operating budget for the 1999-2001 biennium that I signed on May 14, 1999. To fully implement the required training, the legislature must appropriate at least \$537,000 in supplemental funds next year.

The process of investigating child abuse allegations and prosecuting alleged perpetrators is complex and must adhere to many laws and procedures. Section 1 of SB 5127 is sufficiently vague that it could be misconstrued to alter existing law. Vetoing it does not weaken the substance of this bill.

For these reasons, I have vetoed section 1 of Senate Bill No. 5127.

With the exception of section 1, Senate Bill No. 5127 is approved."

CHAPTER 390

[Substitute Senate Bill 6001]

FAMILY AND CHILDREN'S OMBUDSMAN—CONFIDENTIAL INFORMATION

AN ACT Relating to the office of the family and children's ombudsman; amending RCW 43.06A.030, 13.34.105, and 13.50.100; adding a new section to chapter 26.12 RCW; adding new sections to chapter 43.06A RCW; and adding a new section to chapter 13.50 RCW.

Be it enacted by the Legislature of the State of Washington:

**Sec. 1. RCW 43.06A.030 and 1996 c 131 s 4 are each amended to read as follows:*

The ombudsman shall perform the following duties:

(1) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services, and on the procedures for providing these services;

(2) Investigate, upon his or her own initiative or upon receipt of a complaint, an administrative act alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant,

immaterial, or erroneous grounds; however, the ombudsman may decline to investigate any complaint as provided by rules adopted under this chapter;

(3) Monitor the procedures as established, implemented, and practiced by the department to carry out its responsibilities in delivering family and children's services with a view toward appropriate preservation of families and ensuring children's health and safety;

(4) ~~((Review periodically the facilities and procedures of state institutions serving children, and state-licensed facilities or residences;~~

—(5)) Recommend changes in the procedures for addressing the needs of families and children;

((6)) (5) Submit annually to the committee and to the governor by November 1 a report analyzing the work of the office including recommendations;

(6)(a)(i) Receive information from a legislator who is assisting a constituent at the constituent's request; (ii) provide information to a legislator regarding a constituent if the constituent has given his or her written consent that the information be released to the legislator; however, a legislator may be provided only that information the constituent would otherwise be able to obtain under the law; and (iii) notify the legislator that the constituent's case is ready to be closed.

(b) Any information a constituent would not otherwise be able to obtain under law, including any confidential information regarding a person other than the constituent, that is contained in the information provided the legislator shall be redacted.

(c) A legislator shall maintain the confidentiality of any confidential information regarding a constituent that the legislator may receive.

(d) Nothing in this subsection is intended to or may be interpreted as affecting the authority or ability of the legislative children's oversight committee to obtain information otherwise granted the committee under law.

(7) Grant the committee access to all relevant records in the possession of the ombudsman unless prohibited by law; and

(8) Adopt rules necessary to implement this chapter.

*Sec. 1 was vetoed. See message at end of chapter.

Sec. 2. RCW 13.34.105 and 1993 c 241 s 3 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem include but are not limited to the following:

(a) To represent and be an advocate for the best interests of the child;

(b) To collect relevant information about the child's situation;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order; and

(d) To report to the court information on the legal status of a child's membership in any Indian tribe or band.

(2) The guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

(3) Except for information or records specified in RCW 13.50.100(~~((4))~~) (5), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

(4) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

(5) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.

Sec. 3. RCW 13.50.100 and 1997 c 386 s 22 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the state-wide juvenile court information system.

(4) A contracting agency or service provider of the department of social and health services that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombudsman information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen years, unless such release is otherwise specifically prohibited by law.

(5) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court:

PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

~~((5))~~ (6) A juvenile or his or her parent denied access to any records following an agency determination under subsection ~~((4))~~ (5) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsections ~~((4))~~ (5)(a) and (b) of this section.

~~((6))~~ (7) The person making a motion under subsection ~~((5))~~ (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

~~((7))~~ (8) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection ~~((4))~~ (5) of this section. A party denied access to records may request judicial review of the denial. If the party prevails, he or she shall be awarded attorneys' fees, costs, and an amount not less than five dollars and not more than one hundred dollars for each day the records were wrongfully denied.

NEW SECTION. Sec. 4. A new section is added to chapter 26.12 RCW to read as follows:

A guardian ad litem appointed under this chapter may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 43.06A RCW to read as follows:

The department of social and health services shall:

(1) Allow the ombudsman or the ombudsman's designee to communicate privately with any child in the custody of the department for the purposes of carrying out its duties under this chapter;

(2) Permit the ombudsman or the ombudsman's designee physical access to state institutions serving children, and state licensed facilities or residences for the purpose of carrying out its duties under this chapter;

(3) Upon the ombudsman's request, grant the ombudsman or the ombudsman's designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombudsman considers necessary in an investigation; and

(4) Grant the office of the family and children's ombudsman unrestricted on-line access to the case and management information system (CAMIS) for the purpose of carrying out its duties under this chapter.

***NEW SECTION.** *Sec. 6. A new section is added to chapter 43.06A RCW to read as follows:*

With the approval of the legislative oversight committee, the office of the family and children's ombudsman shall have the right to apply for and accept grants. After notification to the legislative oversight committee, the office of the family and children's ombudsman shall have the power to subpoena records and documents in the possession or control of the department of social and health services that the ombudsman considers necessary in an investigation.

**Sec. 6 was vetoed. See message at end of chapter.*

NEW SECTION. *Sec. 7. A new section is added to chapter 43.06A RCW to read as follows:*

(1) An employee of the office of the family and children's ombudsman is not liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against an employee of the department, an employee of a contracting agency of the department, a foster parent, or a recipient of family and children's services for any communication made, or information given or disclosed, to aid the office of the family and children's ombudsman in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by an ombudsman, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged under RCW 9.58.070 and that privilege shall serve as a defense in any action in libel or slander.

NEW SECTION. *Sec. 8. A new section is added to chapter 13.50 RCW to read as follows:*

Any communication or advice privileged under RCW 5.60.060 that is disclosed by the office of the attorney general or the department of social and health services to the office of the family and children's ombudsman may not be deemed to be a waiver of the privilege as to others.

Passed the Senate April 22, 1999.

Passed the House April 14, 1999.

Approved by the Governor May 18, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 18, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1 and 6, Substitute Senate Bill No. 6001 entitled:

"AN ACT Relating to the office of family and children's ombudsman;"

Substitute Senate Bill No. 6001 expands the scope of information available to the Family and Children's Ombudsman. Among other things, it permits guardians ad litem and service providers to give confidential information to the Ombudsman, and requires the Department of Social and Health Services (DSHS) to provide access to institutions and information. It also prohibits retaliatory action against employees of DSHS and others who properly provide information.

Section 1 of SSB 6001 includes a requirement that the Ombudsman provide information to a legislator regarding a constituent, if the constituent has given his or her consent to release the information and if the constituent would otherwise be able to obtain the information under law. This provision is apparently intended to require the Ombudsman to provide legislators with DSHS records in the Ombudsman's possession. The provision is unnecessary since, with the above conditions present, legislators are currently able to obtain records directly from DSHS.

Section 6 of SSB 6001 would give the Ombudsman the power to subpoena all records and documents in the possession or control of DSHS that the Ombudsman considers necessary in an investigation. Similarly, section 5 of the bill grants the Ombudsman access to all relevant information, records, or documents in the possession or control of DSHS that the Ombudsman considers necessary in an investigation. I am concerned about expanding the subpoena power in the absence of a compelling need. Since the Ombudsman will have statutory access to all necessary records, there is no compelling need. Additionally, there has never been an instance when DSHS, even without a statutory mandate, has refused to give the Ombudsman all requested records.

For these reasons, I have vetoed sections 1 and 6 of Substitute Senate Bill No. 6001.

With the exception of sections 1 and 6, Substitute Senate Bill No. 6001 is approved."

CHAPTER 391

[House Bill 1080]

GOOD SAMARITANS—INFECTIOUS DISEASE TESTING AND CONFIDENTIALITY

AN ACT Relating to providing infectious disease testing for good samaritans; amending RCW 70.24.084, 70.05.070, and 70.05.120; adding a new section to chapter 70.05 RCW; adding a new section to chapter 70.24 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that citizens who assist individuals in emergency situations perform a needed and valuable role that deserves recognition and support. The legislature further finds that emergency assistance in the form of mouth to mouth resuscitation or other emergency medical procedures resulting in the exchange of bodily fluids significantly increases the odds of being exposed to a deadly infectious disease. Some of the more life-threatening diseases that can be transferred during an emergency procedure where

bodily fluids are exchanged include hepatitis A, B, and C, and human immunodeficiency virus (HIV). Individuals infected by these diseases value confidentiality regarding this information. A number of good samaritans who perform life-saving emergency procedures such as cardiopulmonary resuscitation are unable to pay for the tests necessary for detecting infectious diseases that could have been transmitted during the emergency procedure. It is the purpose of this act to provide infectious disease testing at no cost to good samaritans who request testing for infectious diseases after rendering emergency assistance that has brought them into contact with a bodily fluid and to further protect the testing information once obtained through confidentiality provisions.

NEW SECTION. Sec. 2. A new section is added to chapter 70.05 RCW to read as follows:

A person rendering emergency care or transportation, commonly known as a "Good Samaritan," as described in RCW 4.24.300 and 4.24.310, may request and receive appropriate infectious disease testing free of charge from the local health department of the county of her or his residence, if: (1) While rendering emergency care she or he came into contact with bodily fluids; and (2) she or he does not have health insurance that covers the testing. Nothing in this section requires a local health department to provide health care services beyond testing. The department shall adopt rules implementing this section.

The information obtained from infectious disease testing is subject to statutory confidentiality provisions, including those of chapters 70.24 and 70.05 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 70.24 RCW to read as follows:

(1) In order to assure compliance with the protections under this chapter and the rules of the board, and to assure public confidence in the confidentiality of reported information, the department shall:

(a) Report annually to the board any incidents of unauthorized disclosure by the department, local health departments, or their employees of information protected under RCW 70.24.105. The report shall include recommendations for preventing future unauthorized disclosures and improving the system of confidentiality for reported information; and

(b) Assist health care providers, facilities that conduct tests, local health departments, and other persons involved in disease reporting to understand, implement, and comply with this chapter and the rules of the board related to disease reporting.

(2) This section is exempt from RCW 70.24.084, 70.05.070, and 70.05.120.

Sec. 4. RCW 70.24.084 and 1988 c 206 s 914 are each amended to read as follows:

(1) Any person aggrieved by a violation of this chapter shall have a right of action in superior court and may recover for each violation:

(a) Against any person who negligently violates a provision of this chapter, one thousand dollars, or actual damages, whichever is greater, for each violation.

(b) Against any person who intentionally or recklessly violates a provision of this chapter, ~~((two))~~ ten thousand dollars, or actual damages, whichever is greater, for each violation.

(c) Reasonable attorneys' fees and costs.

(d) Such other relief, including an injunction, as the court may deem appropriate.

(2) Any action under this chapter is barred unless the action is commenced within three years after the cause of action accrues.

(3) Nothing in this chapter limits the rights of the subject of a test for a sexually transmitted disease to recover damages or other relief under any other applicable law.

(4) Nothing in this chapter may be construed to impose civil liability or criminal sanction for disclosure of a test result for a sexually transmitted disease in accordance with any reporting requirement for a diagnosed case of sexually transmitted disease by the department or the centers for disease control of the United States public health service.

Sec. 5. RCW 70.05.070 and 1993 c 492 s 239 are each amended to read as follows:

The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or 70.05.035, if any, shall:

(1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030, the confidentiality provisions in RCW 70.24.105 and rules adopted to implement those provisions, and filing of actions authorized by RCW 43.70.190;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the secretary of health or his or her authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;

(8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;

(9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

Sec. 6. RCW 70.05.120 and 1993 c 492 s 241 are each amended to read as follows:

Any local health officer or administrative officer appointed under RCW 70.05.040, if any, who shall refuse or neglect to obey or enforce the provisions of chapters 70.05, 70.24, and 70.46 RCW or the rules, regulations or orders of the state board of health or who shall refuse or neglect to make prompt and accurate reports to the state board of health, may be removed as local health officer or administrative officer by the state board of health and shall not again be reappointed except with the consent of the state board of health. Any person may complain to the state board of health concerning the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health, and the state board of health shall, if a preliminary investigation so warrants, call a hearing to determine whether the local health officer or administrative officer is guilty of the alleged acts. Such hearings shall be held pursuant to the provisions of chapter 34.05 RCW, and the rules and regulations of the state board of health adopted thereunder.

Any member of a local board of health who shall violate any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or refuse or neglect to obey or enforce any of the rules, regulations or orders of the state board of health made for the prevention, suppression or control of any dangerous contagious or infectious disease or for the protection of the health of the people of this state, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars. Any physician who shall refuse or neglect to report to the proper health officer or administrative officer within twelve hours after first attending any case of contagious or infectious disease or any diseases required by the state board of health to be reported or any case suspicious of being one of such diseases, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars for each case that is not reported.

Any person violating any of the provisions of chapters 70.05, 70.24, and 70.46 RCW or violating or refusing or neglecting to obey any of the rules, regulations or orders made for the prevention, suppression and control of dangerous contagious and infectious diseases by the local board of health or local health officer or administrative officer or state board of health, or who shall leave any isolation hospital or quarantined house or place without the consent of the proper health

officer or who evades or breaks quarantine or conceals a case of contagious or infectious disease or assists in evading or breaking any quarantine or concealing any case of contagious or infectious disease, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars or to imprisonment in the county jail not to exceed ninety days or to both fine and imprisonment.

NEW SECTION. Sec. 7. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

Passed the House April 19, 1999.
Passed the Senate April 12, 1999.
Approved by the Governor May 18, 1999.
Filed in Office of Secretary of State May 18, 1999.

CHAPTER 392

[Substitute Senate Bill 5968]

NURSING FACILITIES—SUPPLEMENTAL PAYMENTS

AN ACT Relating to human services; authorizing supplemental payments for nursing facilities operated by public hospital districts; amending 1999 c . . . (ESSB 5180) s 210 (uncodified); and adding a new section to chapter 74.46 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 74.46 RCW and codified under part F to read as follows:

To the extent the federal government approves such payments under the state's plan for medical assistance, and only to the extent that funds are specifically appropriated for this purpose in the biennial appropriations act, the department shall make supplemental payments to nursing facilities operated by public hospital districts. The payments shall be calculated and distributed in accordance with the terms and conditions specified in the biennial appropriations act. The payments shall be supplemental to the component rate allocations calculated in accordance with part E of this chapter, and neither the provisions of part E of this chapter nor the provisions of part C of this chapter apply to these supplemental payments.

*Sec. 2. 1999 c . . . (ESSB 5180) s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
MEDICAL ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2000)	\$	722,863,000
General Fund—State Appropriation (FY 2001)	\$	784,657,000
General Fund—Federal Appropriation	\$	((2,345,803,000))
		<u>2,401,804,000</u>
General Fund—Private/Local Appropriation	\$	261,534,000
Emergency Medical Services and Trauma Care Systems		

Trust Account—State Appropriation	\$	9,200,000
Health Services Account—State Appropriation	\$	((339,535,000))
		<u>391,582,000</u>
TOTAL APPROPRIATION	\$	((4,463,592,000))
		<u>4,571,641,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall continue to make use of the special eligibility category created for children through age 18 and in households with incomes below 200 percent of the federal poverty level made eligible for medicaid as of July 1, 1994.

(2) It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized.

(3) Funding is provided in this section for the adult dental program for Title XIX categorically eligible and medically needy persons and to provide foot care services by podiatric physicians and surgeons.

(4) \$1,647,000 of the general fund—state appropriation for fiscal year 2000 and \$1,672,000 of the general fund—state appropriation for fiscal year 2001 are provided for treatment of low-income kidney dialysis patients.

(5) \$80,000 of the general fund—state appropriation for fiscal year 2000, \$80,000 of the general fund—state appropriation for fiscal year 2001, and \$160,000 of the general fund—federal appropriation are provided solely for the prenatal triage clearinghouse to provide access and outreach to reduce infant mortality.

(6) The department shall adopt a new formula for distributing funds under the low-income disproportionate share hospital (LI-DSH) program. Under this new formula, (a) the state's Level 1 trauma center shall continue to receive the same amount of LI-DSH payments as in fiscal year 1999; and (b) ~~((in addition to other factors, the amount of a hospital's LI-DSH payment shall be inversely related to its net operating income as a percentage of total expenditures, such that more profitable hospitals receive a relatively smaller payment under the program))~~ a net profitability factor shall be included with other factors to determine LI-DSH payments. The net profitability factor shall inversely relate hospital percent net operating income to payment under the program.

(7) The department shall report to the fiscal committees of the legislature by September 15, 1999, and again by December 15, 1999, on (a) actions it has taken and proposes to take to increase the share of medicare part B premium payments upon which it is collecting medicaid matching funds; (b) the percentage of such premium payments for each month of service subsequent to June 1998 which have been paid with unmatched, state-only funds; and (c) why matching funds could not be collected on those payments.

(8) The department shall report to the fiscal committees of the legislature by December 1, 1999, and again by October 1, 2000, on the amount which has been

recovered from third-party payers as a result of its efforts to improve coordination of benefits on behalf of "basic health plan-plus" enrollees.

(9) The department shall report to the health care and fiscal committees of the legislature by December 1, 1999, on options for controlling the growth in medicaid prescription drug expenditures through strategies such as but not limited to volume purchasing, selective contracting, supplemental drug discounts, and improved care coordination for high utilizers.

(10) \$3,992,000 of the health services account appropriation and \$7,651,000 of the general fund—federal appropriation are provided solely for health insurance coverage for children with family incomes between 200 percent and 250 percent of the federal poverty level, as provided in Substitute Senate Bill No. 5416 (children's health insurance program). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(11) \$191,000 of the general fund—state appropriation for fiscal year 2000 and \$391,000 of the general fund—state appropriation for fiscal year 2001 are provided solely for implementation of Substitute Senate Bill No. 5587 (patient bill of rights). If the bill is not enacted by June 30, 1999, these amounts shall lapse.

(12) Upon approval from the federal health care financing administration, the department shall implement the section 1115 family planning waiver to provide family planning services to persons with family incomes at or below two hundred percent of the federal poverty level.

(13) Except in the case of rural hospitals and Harborview medical center, weighted average payments ((rates)) under the ratio-of-cost-to-charges hospital payment system shall increase by no more than ((4-7)) 175 percent ((per-year)) of the DRI HCFA hospital reimbursement market basket index.

(14) From the funds appropriated in this section, the department shall provide chiropractic services for persons qualifying for medical assistance services under chapter 74.09 RCW.

(15) In accordance with Substitute Senate Bill No. 5968, \$25,978,000 of the health services account appropriation for fiscal year 2000, \$26,069,000 of the health services account appropriation for fiscal year 2001, and \$56,002,000 of the general fund—federal appropriation, or so much thereof as may be expended without exceeding the medicare upper payment limit, are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. Such payments shall be distributed among the participating rural public hospital districts proportional to the number of days of medicaid-funded nursing home care provided by each district during the preceding calendar year, relative to the total number of such days of care provided by all participating rural public hospital districts. Prior to making any supplemental payments, the department shall first obtain federal approval for such payments under the medicaid state plan. The payments shall further be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit

into the health services account, equal to at least 82 percent of the supplemental payment amount; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting.

*Sec. 2 was partially vetoed. See message at end of chapter.

Passed the Senate April 25, 1999.

Passed the House April 25, 1999.

Approved by the Governor May 18, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 18, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 2(14), Substitute Senate Bill No. 5968 entitled:

"AN ACT Relating to human services;"

Substitute Senate Bill No. 5968 establishes a Pro-Share program with the federal government that will fund nursing homes operated by public hospital districts.

Section 2(14) of the bill is an appropriation item proviso that would require the Department of Social and Health Services - Medical Assistance Administration to provide chiropractic services to adults. However, additional funding is not provided. This unfunded mandate would force the Medical Assistance Administration to reduce services elsewhere. While chiropractic services can be very beneficial, I do not believe other services of the Medical Assistance Administration should be reduced to provide them.

For these reasons, I have vetoed section 2(14) of Substitute Senate Bill No. 5968.

With the exception of section 2(14), Substitute Senate Bill No. 5968 is approved."

CHAPTER 393

[Engrossed Senate Bill 5485]

TOBACCO SETTLEMENT—NONPARTICIPATING TOBACCO PRODUCT MANUFACTURERS

AN ACT Relating to a reserve account for tobacco product manufacturers not participating in the master settlement agreement; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. FINDINGS AND PURPOSE. (a) Cigarette smoking presents serious public health concerns to the State and to the citizens of the State. The Surgeon General has determined that smoking causes lung cancer, heart disease and other serious diseases, and that there are hundreds of thousands of tobacco-related deaths in the United States each year. These diseases most often do not appear until many years after the person in question begins smoking.

(b) Cigarette smoking also presents serious financial concerns for the State. Under certain health-care programs, the State may have a legal obligation to provide medical assistance to eligible persons for health conditions associated with cigarette smoking, and those persons may have a legal entitlement to receive such medical assistance.

(c) Under these programs, the State pays millions of dollars each year to provide medical assistance for these persons for health conditions associated with cigarette smoking.

(d) It is the policy of the State that financial burdens imposed on the State by cigarette smoking be borne by tobacco product manufacturers rather than by the State to the extent that such manufacturers either determine to enter into a settlement with the State or are found culpable by the courts.

(e) On November 23, 1998, leading United States tobacco product manufacturers entered into a settlement agreement, entitled the "Master Settlement Agreement," with the State. The Master Settlement Agreement obligates these manufacturers, in return for a release of past, present and certain future claims against them as described therein, to pay substantial sums to the State (tied in part to their volume of sales); to fund a national foundation devoted to the interests of public health; and to make substantial changes in their advertising and marketing practices and corporate culture, with the intention of reducing underage smoking.

(f) It would be contrary to the policy of the State if tobacco product manufacturers who determine not to enter into such a settlement could use a resulting cost advantage to derive large, short-term profits in the years before liability may arise without ensuring that the State will have an eventual source of recovery from them if they are proven to have acted culpably. It is thus in the interest of the State to require that such manufacturers establish a reserve fund to guarantee a source of compensation and to prevent such manufacturers from deriving large, short-term profits and then becoming judgment-proof before liability may arise.

NEW SECTION. Sec. 2. DEFINITIONS. (a) "Adjusted for inflation" means increased in accordance with the formula for inflation adjustment set forth in Exhibit C to the Master Settlement Agreement.

(b) "Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the terms "owns," "is owned" and "ownership" mean ownership of an equity interest, or the equivalent thereof, of ten percent or more, and the term "person" means an individual, partnership, committee, association, corporation or any other organization or group of persons.

(c) "Allocable share" means Allocable Share as that term is defined in the Master Settlement Agreement.

(d) "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (3) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is

likely to be offered to, or purchased by, consumers as a cigarette described in clause (1) of this definition. The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging, or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette".

(e) "Master Settlement Agreement" means the settlement agreement (and related documents) entered into on November 23, 1998 by the State and leading United States tobacco product manufacturers.

(f) "Qualified escrow fund" means an escrow arrangement with a federally or State chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least \$1,000,000,000 where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing or directing the use of the funds' principal except as consistent with section 3(b) of this Act.

(g) "Released claims" means Released Claims as that term is defined in the Master Settlement Agreement.

(h) "Releasing parties" means Releasing Parties as that term is defined in the Master Settlement Agreement.

(i) "Tobacco Product Manufacturer" means an entity that after the date of enactment of this Act directly (and not exclusively through any affiliate):

(1) manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer (as that term is defined in the Master Settlement Agreement) that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsections 11(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection 11(z) of the Master Settlement Agreement, and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

(2) is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or

(3) becomes a successor of an entity described in paragraph (1) or (2).

The term "Tobacco Product Manufacturer" shall not include an affiliate of a tobacco product manufacturer unless such affiliate itself falls within any of (1)-(3) above.

(j) "Units sold" means the number of individual cigarettes sold in the State by the applicable tobacco product manufacturer (whether directly or through a distributor, retailer or similar intermediary or intermediaries) during the year in question, as measured by excise taxes collected by the State on packs bearing the excise tax stamp of the State or "roll-your-own" tobacco containers. The

department of revenue shall promulgate such regulations as are necessary to ascertain the amount of State excise tax paid on the cigarettes of such tobacco product manufacturer for each year.

NEW SECTION. Sec. 3. REQUIREMENTS. Any tobacco product manufacturer selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary or intermediaries) after the date of enactment of this Act shall do one of the following:

(a) become a participating manufacturer (as that term is defined in section 11(jj) of the Master Settlement Agreement) and generally perform its financial obligations under the Master Settlement Agreement; or

(b)(1) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts (as such amounts are adjusted for inflation)—

1999: \$.0094241 per unit sold after the date of enactment of this Act;

2000: \$.0104712 per unit sold;

for each of 2001 and 2002: \$.0136125 per unit sold;

for each of 2003 through 2006: \$.0167539 per unit sold;

for each of 2007 and each year thereafter: \$.0188482 per unit sold.

(2) A tobacco product manufacturer that places funds into escrow pursuant to paragraph (1) shall receive the interest or other appreciation on such funds as earned. Such funds themselves shall be released from escrow only under the following circumstances—

(A) to pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the State or any releasing party located or residing in the State. Funds shall be released from escrow under this subparagraph (i) in the order in which they were placed into escrow and (ii) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(B) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow in a particular year was greater than the State's allocable share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to section 1X(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section 1X(i)(3) of that Agreement other than the Inflation Adjustment) had it been a participating manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(C) to the extent not released from escrow under subparagraphs (A) or (B), funds shall be released from escrow and revert back to such tobacco product manufacturer twenty-five years after the date on which they were placed into escrow.

(3) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this subsection shall annually certify to the Attorney General that it is

in compliance with this subsection. The Attorney General may bring a civil action on behalf of the State against any tobacco product manufacturer that fails to place into escrow the funds required under this section. Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this section shall—

(A) be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a violation of this subsection, may impose a civil penalty to be paid to the general fund of the state in an amount not to exceed 5 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100 percent of the original amount improperly withheld from escrow;

(B) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this section. The court, upon a finding of a knowing violation of this subsection, may impose a civil penalty to be paid to the general fund of the state in an amount not to exceed 15 percent of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300 percent of the original amount improperly withheld from escrow; and

(C) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the State (whether directly or through a distributor, retailer or similar intermediary) for a period not to exceed 2 years.

Each failure to make an annual deposit required under this section shall constitute a separate violation. The violator shall also pay the State's costs and attorney's fees incurred during a successful prosecution under this paragraph (3).

NEW SECTION. Sec. 4. Sections 1 through 3 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 5. Captions used in this act are not part of the law.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the Senate February 24, 1999.

Passed the House April 25, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 394

[House Bill 1524]

WORKERS' COMPENSATION—OUT OF STATE EMPLOYERS

AN ACT Relating to the workers' compensation obligation of employers not domiciled in Washington; and amending RCW 51.12.120.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 51.12.120 and 1998 c 279 s 2 are each amended to read as follows:

(1) If a worker, while working outside the territorial limits of this state, suffers an injury on account of which he or she, or his or her beneficiaries, would have been entitled to compensation under this title had the injury occurred within this state, the worker, or his or her beneficiaries, shall be entitled to compensation under this title if at the time of the injury:

(a) His or her employment is principally localized in this state; or

(b) He or she is working under a contract of hire made in this state for employment not principally localized in any state; or

(c) He or she is working under a contract of hire made in this state for employment principally localized in another state whose workers' compensation law is not applicable to his or her employer; or

(d) He or she is working under a contract of hire made in this state for employment outside the United States and Canada.

(2) The payment or award of compensation or other recoveries, including settlement proceeds, under the workers' compensation law of another state, territory, province, or foreign nation to a worker or his or her beneficiaries otherwise entitled on account of such injury to compensation under this title shall not be a bar to a claim for compensation under this title if that claim under this title is timely filed. If compensation is paid or awarded under this title, the total amount of compensation or other recoveries, including settlement proceeds, paid or awarded the worker or beneficiary under such other workers' compensation law shall be credited against the compensation due the worker or beneficiary under this title.

(3)(a) An employer not domiciled in this state who is employing workers in this state in work for which the employer must be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW, or prequalified under RCW 47.28.070, must secure the payment of compensation under this title by:

(i) Insuring the employer's workers' compensation obligation under this title with the department;

(ii) Being qualified as a self-insurer under this title; or

(iii) For employers domiciled in a state or province of Canada subject to an agreement entered into under subsection (7) of this section, as permitted by the agreement, filing with the department a certificate of coverage issued by the agency that administers the workers' compensation law in the employer's state or province of domicile certifying that the employer has secured the payment of compensation under the other state's or province's workers' compensation law.

(b) The department shall adopt rules to implement this subsection.

(4) If a worker or beneficiary is entitled to compensation under this title by reason of an injury sustained in this state while in the employ of an employer who is domiciled in another state or province of Canada and the employer:

(a) Is not subject to subsection (3) of this section and has neither opened an account with the department nor qualified as a self-insurer under this title, the employer or his or her insurance carrier shall file with the director a certificate issued by the agency that administers the workers' compensation law in the state of the employer's domicile, certifying that the employer has secured the payment of compensation under the workers' compensation law of the other state and that with respect to the injury the worker or beneficiary is entitled to the benefits provided under the other state's law.

(b) Has filed a certificate under subsection (3)(a)(iii) of this section or (a) of this subsection (4):

(i) The filing of the certificate constitutes appointment by the employer or his or her insurance carrier of the director as its agent for acceptance of the service of process in any proceeding brought by any claimant to enforce rights under this title;

(ii) The director shall send to such employer or his or her insurance carrier, by registered or certified mail to the address shown on such certificate, a true copy of any notice of claim or other process served on the director by the claimant in any proceeding brought to enforce rights under this title;

(iii) If the employer is a self-insurer under the workers' compensation law of the other state or province of Canada, the employer shall, upon submission of evidence or security, satisfactory to the director, of his or her ability to meet his or her liability to the claimant under this title, be deemed to be a qualified self-insurer under this title; and

(iv) If the employer's liability under the workers' compensation law of the other state or province of Canada is insured:

(A) The employer's carrier, as to such claimant only, shall be deemed to be subject to this title. However, unless the insurer's contract with the employer requires the insurer to pay an amount equivalent to the compensation benefits provided by this title, the insurer's liability for compensation shall not exceed the insurer's liability under the workers' compensation law of the other state or province; and

(B) If the total amount for which the employer's insurer is liable under (b)(iv)(A) of this subsection is less than the total of the compensation to which the claimant is entitled under this title, the director may require the employer to file security satisfactory to the director to secure the payment of compensation under this title.

(c) If subject to subsection (3) of this section, has not complied with subsection (3) of this section or, if not subject to subsection (3) of this section, has neither qualified as a self-insurer nor secured insurance coverage under the workers' compensation law of another state or province of Canada, the claimant shall be paid compensation by the department and the employer shall have the same rights and obligations, and is subject to the same penalties, as other employers subject to this title.

(5) As used in this section:

(a) A person's employment is principally localized in this or another state when: (i) His or her employer has a place of business in this or the other state and he or she regularly works at or from the place of business; or (ii) if (a)(i) of this subsection is not applicable, he or she is domiciled in and spends a substantial part of his or her working time in the service of his or her employer in this or the other state;

(b) "Workers' compensation law" includes "occupational disease law" for the purposes of this section.

(6) A worker whose duties require him or her to travel regularly in the service of his or her employer in this and one or more other states may agree in writing with his or her employer that his or her employment is principally localized in this or another state, and, unless the other state refuses jurisdiction, the agreement shall govern as to any injury occurring after the effective date of the agreement.

(7) The director is authorized to enter into agreements with the appropriate agencies of other states and provinces of Canada that administer their workers' compensation law with respect to conflicts of jurisdiction and the assumption of jurisdiction in cases where the contract of employment arises in one state or province and the injury occurs in another. If the other state's or province's law requires Washington employers to secure the payment of compensation under the other state's or province's workers' compensation laws for work ~~((that in Washington requires the employer to be registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW, or prequalified under RCW 47.28.070))~~ performed in that state or province, then employers domiciled in that state or province must purchase compensation covering their workers engaged in that work in this state under this state's industrial insurance law. When an agreement under this subsection has been executed and adopted as a rule of the department under chapter 34.05 RCW, it binds all employers and workers subject to this title and the jurisdiction of this title is governed by this rule.

Passed the House April 19, 1999.

Passed the Senate April 6, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 395

[House Bill 1261]

INJURED WORKERS—MODIFICATIONS TO MOTOR VEHICLES

AN ACT Relating to modifications of motor vehicles of injured workers; and amending RCW 51.36.020.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 51.36.020 and 1982 c 63 s 12 are each amended to read as follows:

(1) When the injury to any worker is so serious as to require his or her being taken from the place of injury to a place of treatment, his or her employer shall, at the expense of the medical aid fund, or self-insurer, as the case may be, furnish transportation to the nearest place of proper treatment.

(2) Every worker whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes and every worker, who suffers an injury to an eye producing an error of refraction, shall be once provided proper and properly equipped lenses to correct such error of refraction and his or her disability rating shall be based upon the loss of sight before correction.

(3) Every worker whose accident results in damage to or destruction of an artificial limb, eye, or tooth, shall have same repaired or replaced.

(4) Every worker whose hearing aid or eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced. The department or self-insurer shall be liable only for the cost of restoring damaged hearing aids or eyeglasses to their condition at the time of the accident.

(5) All mechanical appliances necessary in the treatment of an injured worker, such as braces, belts, casts, and crutches, shall be provided and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law.

(6) A worker, whose injury is of such short duration as to bring him or her within the time limit provisions of RCW 51.32.090, shall nevertheless receive during the omitted period medical, surgical, and hospital care and service and transportation under the provisions of this chapter.

(7) Whenever in the sole discretion of the supervisor it is reasonable and necessary to provide residence modifications necessary to meet the needs and requirements of the worker who has sustained catastrophic injury, the department or self-insurer may be ordered to pay an amount not to exceed the state's average annual wage for one year as determined under RCW 50.04.355, as now existing or hereafter amended, toward the cost of such modifications or construction. Such payment shall only be made for the construction or modification of a residence in which the injured worker resides. Only one residence of any worker may be modified or constructed under this subsection, although the supervisor may order more than one payment for any one home, up to the maximum amount permitted by this section.

(8)(a) Whenever in the sole discretion of the supervisor it is reasonable and necessary to modify a motor vehicle owned by a worker who has become an amputee or becomes paralyzed because of an industrial injury, the supervisor may order up to fifty percent of the state's average annual wage for one year, as determined under RCW 50.04.355, ~~((as now existing or hereafter amended,))~~ to be paid by the department or self-insurer toward the costs thereof.

(b) In the sole discretion of the supervisor after his or her review, the amount paid under this subsection may be increased by no more than four thousand dollars by written order of the supervisor.

(9) The benefits provided by subsections (7) and (8) of this section are available to any otherwise eligible worker regardless of the date of industrial injury.

Passed the House April 19, 1999.

Passed the Senate April 7, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 396

[Engrossed House Bill 1894]

INDUSTRIAL INSURANCE BENEFIT ERRORS

AN ACT Relating to industrial insurance benefit errors; and amending RCW 51.32.240.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 51.32.240 and 1991 c 88 s 1 are each amended to read as follows:

(1) Whenever any payment of benefits under this title is made because of clerical error, mistake of identity, innocent misrepresentation by or on behalf of the recipient thereof mistakenly acted upon, or any other circumstance of a similar nature, all not induced by fraud, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The department or self-insurer, as the case may be, must make claim for such repayment or recoupment within one year of the making of any such payment or it will be deemed any claim therefor has been waived. The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his discretion to waive, in whole or in part, the amount of any such timely claim where the recovery would be against equity and good conscience.

(2) Whenever the department or self-insurer fails to pay benefits because of clerical error, mistake of identity, or innocent misrepresentation, all not induced by recipient fraud, the recipient may request an adjustment of benefits to be paid from the state fund or by the self-insurer, as the case may be, subject to the following:

(a) The recipient must request an adjustment in benefits within one year from the date of the incorrect payment or it will be deemed any claim therefore has been waived.

(b) The recipient may not seek an adjustment of benefits because of adjudicator error. "Adjudicator error" includes the failure to consider information in the claim file, failure to secure adequate information, or an error in judgment.

(3) Whenever the department issues an order rejecting a claim for benefits paid pursuant to RCW 51.32.190 or 51.32.210, after payment for temporary disability benefits has been paid by a self-insurer pursuant to RCW 51.32.190(3) or by the department pursuant to RCW 51.32.210, the recipient thereof shall repay such benefits and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, under rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

~~((3))~~ **(4)** Whenever any payment of benefits under this title has been made pursuant to an adjudication by the department or by order of the board or any court and timely appeal therefrom has been made where the final decision is that any such payment was made pursuant to an erroneous adjudication, the recipient thereof shall repay it and recoupment may be made from any future payments due to the recipient on any claim with the state fund or self-insurer, as the case may be. The director, pursuant to rules adopted in accordance with the procedures provided in the administrative procedure act, chapter 34.05 RCW, may exercise his discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

~~((4))~~ **(5)** Whenever any payment of benefits under this title has been induced by fraud the recipient thereof shall repay any such payment together with a penalty of fifty percent of the total of any such payments and the amount of such total sum may be recouped from any future payments due to the recipient on any claim with the state fund or self-insurer against whom the fraud was committed, as the case may be, and the amount of such penalty shall be placed in the supplemental pension fund. Such repayment or recoupment must be demanded or ordered within one year of the discovery of the fraud.

~~((5))~~ **(6)** The worker, beneficiary, or other person affected thereby shall have the right to contest an order assessing an overpayment pursuant to this section in the same manner and to the same extent as provided under RCW 51.52.050 and 51.52.060. In the event such an order becomes final under chapter 51.52 RCW and notwithstanding the provisions of subsections (1) through ~~((4))~~ **(5)** of this section, the director, director's designee, or self-insurer may file with the clerk in any county within the state a warrant in the amount of the sum representing the unpaid overpayment and/or penalty plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the worker, beneficiary, or other person mentioned in the warrant, the amount of the unpaid overpayment and/or penalty plus interest accrued, and the date the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to and interest in all real and

personal property of the worker, beneficiary, or other person against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department or self-insurer in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the worker, beneficiary, or other person within three days of filing with the clerk.

The director, director's designee, or self-insurer may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice to withhold and deliver property of any kind if there is reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is due, owing, or belonging to any worker, beneficiary, or other person upon whom a warrant has been served for payments due the department or self-insurer. The notice and order to withhold and deliver shall be served by certified mail accompanied by an affidavit of service by mailing or served by the sheriff of the county, or by the sheriff's deputy, or by any authorized representative of the director, director's designee, or self-insurer. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired or in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property that may be subject to the claim of the department or self-insurer, such property shall be delivered forthwith to the director, the director's authorized representative, or self-insurer upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount, plus costs, claimed by the director, director's designee, or self-insurer in the notice. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner may be entitled.

This subsection shall only apply to orders assessing an overpayment which are issued on or after July 28, 1991: PROVIDED, That this subsection shall apply retroactively to all orders assessing an overpayment resulting from fraud, civil or criminal.

~~((6))~~ (7) Orders assessing an overpayment which are issued on or after July 28, 1991, shall include a conspicuous notice of the collection methods available to the department or self-insurer.

Passed the House March 12, 1999.

Passed the Senate April 9, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 397

[Substitute House Bill 1663]

COURT OPERATIONS—FEES AND FAMILY COURT

AN ACT Relating to court operations; amending RCW 10.14.200, 13.04.021, 26.12.010, 26.12.060, and 36.18.016; and creating new sections.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes the increasing incidence of concurrent involvement of family members in multiple areas of the justice system. Analysis shows significant case overlap in the case types of juvenile offender, juvenile dependency, at-risk youth, child in need of services, truancy, domestic violence, and domestic relations. Also recognized is the increased complexity of the problems facing family members and the increased complexity of the laws affecting families. It is believed that in such situations, an efficient and effective response is through the creation of a unified court system centered around the family that: Provides a dedicated, trained, and informed judiciary; incorporates case management practices based on a family's judicial system needs; enables multiple case type resolution by one judicial officer or judicial team; provides coordinated legal and social services; and considers and evaluates the needs of the family as a whole.

NEW SECTION. Sec. 2. The administrator for the courts shall conduct a unified family court pilot program.

(1) Pilot program sites shall be selected through a request for proposal process, and shall be established in no more than three superior court judicial districts.

(2) To be eligible for consideration as a pilot project site, judicial districts must have a statutorily authorized judicial complement of at least five judges.

(3) The administrator for the courts shall develop criteria for the unified family court pilot program. The pilot program shall include:

(a) All case types under Title 13 RCW, chapters 26.09, 26.10, 26.12, 26.18, 26.19, 26.20, 26.26, 26.50, 26.27, and 28A.225 RCW;

(b) Unified family court judicial officers, who volunteer for the program, and meet training requirements established by local court rule;

(c) Case management practices that provide a flexible response to the diverse court-related needs of families involved in multiple areas of the justice system. Case management practices should result in a reduction in process redundancies

and an efficient use of time and resources, and create a system enabling multiple case type resolution by one judicial officer or judicial team;

(d) A court facilitator to provide assistance to parties with matters before the unified family court; and

(e) An emphasis on providing nonadversarial methods of dispute resolution such as a settlement conference, evaluative mediation by attorney mediators, and facilitative mediation by nonattorney mediators.

(4) The office of the administrator for the courts shall publish and disseminate a state-approved listing of definitions of nonadversarial methods of dispute resolution so that court officials, practitioners, and users can choose the most appropriate process for the matter at hand.

(5) The office of the administrator for the courts shall provide to the judicial districts selected for the pilot program the computer resources needed by each judicial district to implement the unified family court pilot program.

(6) The office of the administrator for the courts shall conduct a study of the pilot program measuring improvements in the judicial system's response to family involvement in the judicial system. The administrator for the courts shall report preliminary findings and final results of the study to the governor, the chief justice of the supreme court, and the legislature on a biennial basis. The initial report is due by July 1, 2000, and the final report is due by December 1, 2004.

NEW SECTION. Sec. 3. The judges of the superior court judicial districts with unified family court pilot programs shall adopt local court rules directing the program. The local court rules shall comply with the criteria established by the administrator for the courts and shall include:

(1) A requirement that all judicial officers hearing cases in unified family court:

(a) Complete an initial training program including the topic areas of childhood development, domestic violence, cultural awareness, child abuse and neglect, chemical dependency, and mental illness; and

(b) Subsequent to the training in (a) of this subsection, annually attend a minimum of eight hours of continuing education of pertinence to the unified family court;

(2) Case management that is based on the practice of one judge or judicial team handling all matters relating to a family;

(3) An emphasis on coordinating or consolidating, to the extent possible, all cases before the unified family court relating to a family; and

(4) Programs that provide for record confidentiality to protect the confidentiality of court records in accordance with the law. However law enforcement agencies shall have access to the records to the extent permissible under the law.

Sec. 4. RCW 10.14.200 and 1995 c 246 s 35 are each amended to read as follows:

Any order available under this chapter may be issued in actions under chapter 13.32A, 26.09, 26.10, or 26.26 RCW. An order available under this chapter that is issued under those chapters shall be fully enforceable and shall be enforced pursuant to the provisions of this chapter.

Sec. 5. RCW 13.04.021 and 1994 sp.s. c 7 s 538 are each amended to read as follows:

(1) The juvenile court shall be a division of the superior court. In judicial districts having more than one judge of the superior court, the judges of such court shall annually assign one or more of their number to the juvenile court division. In any judicial district having a court commissioner, the court commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear all cases under this chapter and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050. In any judicial district having a family law commissioner appointed pursuant to chapter 26.12 RCW, the family law commissioner shall have the power, authority, and jurisdiction, concurrent with a juvenile court judge, to hear cases ~~((under chapter 13.34 RCW or any other case))~~ under Title 13 RCW and chapter 28A.225 RCW as provided in RCW 26.12.010, and to enter judgment and make orders with the same power, force, and effect as any judge of the juvenile court, subject to motion or demand by any party within ten days from the entry of the order or judgment by the court commissioner as provided in RCW 2.24.050.

(2) Cases in the juvenile court shall be tried without a jury.

Sec. 6. RCW 26.12.010 and 1994 sp.s. c 7 s 537 are each amended to read as follows:

~~((+))~~ Each superior court shall exercise the jurisdiction conferred by this chapter and while sitting in the exercise of such jurisdiction shall be known and referred to as the "family court." A family ~~((law))~~ court proceeding under this chapter is: (1) Any proceeding under this title or any proceeding in which the family court is requested to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or obligations, or (2) concurrent with the juvenile court, any proceeding under Title 13 or chapter 28A.225 RCW.

~~((2) Superior court judges of a county may by majority vote, grant to the family court the power, authority, and jurisdiction, concurrent with the juvenile court, to hear and decide cases under Title 13 RCW:))~~

Sec. 7. RCW 26.12.060 and 1993 c 289 s 3 are each amended to read as follows:

The court commissioners shall: (1) Make appropriate referrals to county family court services program if the county has a family court services program or appoint a guardian ad litem pursuant to RCW 26.12.175; (2) order investigation

and reporting of the facts upon which to base warrants, subpoenas, orders or directions in actions or proceedings under this chapter; (3) exercise all the powers and perform all the duties of court commissioners; (4) make written reports of all proceedings had which shall become a part of the record of the family court; (5) provide supervision over the exercise of its jurisdiction as the judge of the family court may order; (6) cause the orders and findings of the family court to be entered in the same manner as orders and findings are entered in cases in the superior court; (7) cause other reports to be made and records kept as will indicate the value and extent of reconciliation, mediation, investigation, and treatment services; and (8) conduct hearings under ~~((chapter 13.34 RCW))~~ Title 13 and chapter 28A.225 RCW, as provided in RCW 13.04.021.

Sec. 8. RCW 36.18.016 and 1996 c 56 s 5 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, a fee of twenty dollars must be paid.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of ~~((fifty))~~ one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of ~~((one))~~ two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional ~~((fifty-dollar))~~ one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of fifty dollars for a jury of six, or one hundred dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing, transcribing, or certifying an instrument on file or of record in the clerk's office, with or without seal, for the first page or portion of the first page, a fee of two dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of one dollar for each additional seal affixed must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(8) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(9) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(10) For clerk's special services such as processing ex parte orders by mail, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(11) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape.

(12) For the filing of oaths and affirmations under chapter 5.28 RCW, a fee of twenty dollars must be charged.

(13) For filing a disclaimer of interest under RCW 11.86.031(4), a fee of two dollars must be charged.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of five dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must be charged.

(16) A facilitator surcharge of ten dollars must be charged as authorized under RCW 26.12.240.

(17) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) For filing a warrant for overpayment of state retirement systems benefits under chapter 41.50 RCW, a fee of five dollars shall be charged pursuant to RCW 41.50.136.

(19) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(20) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(21) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(22) Investment service charge and earnings under RCW 36.48.090 must be charged.

(23) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(24) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged.

Passed the House April 23, 1999.

Passed the Senate April 21, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 398

[Engrossed Senate Bill 5649]

IMPOUNDED AND ABANDONED VEHICLES

AN ACT Relating to vehicle impound notices, security, and auctions; amending RCW 18.11.070, 46.55.010, 46.55.080, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.61.625, and 46.70.180; and adding a new section to chapter 46.55 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 18.11.070 and 1989 c 307 s 43 are each amended to read as follows:

(1) It is unlawful for any person to act as an auctioneer or for an auction company to engage in any business in this state without a license.

(2) This chapter does not apply to:

(a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;

(b) An auction conducted by or under the direction of a public authority;

(c) An auction held under judicial order in the settlement of a decedent's estate;

(d) An auction which is required by law to be at auction;

(e) An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation;

(f) An auction of livestock or agricultural products which is conducted under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter;

(g) An auction held under chapter 19.150 RCW; ~~((or))~~

(h) An auction of an abandoned vehicle under chapter 46.55 RCW; or

i) An auction of fur pelts conducted by any cooperative association organized under chapter 23.86 RCW or its wholly owned subsidiary. In order to qualify for this exemption, the fur pelts must be from members of the association. However, the association, without loss of the exemption, may auction pelts that it purchased from nonmembers for the purpose of completing lots or orders, so long as the purchased pelts do not exceed fifteen percent of the total pelts auctioned.

Sec. 2. RCW 46.55.010 and 1998 c 203 s 8 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

(5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Suspended license impound" means an impound ordered under RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420.

(9) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

~~((9))~~ (10) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

~~((10))~~ (11) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

~~((11))~~ (12) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

~~((12))~~ (13) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

(i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113

..... Immediately

- (ii) On a highway and tagged as described in RCW 46.55.085 24 hours
- (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately
- (b) Private locations:
 - (i) On residential property Immediately
 - (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
 - (iii) On private, nonresidential property, not posted 24 hours

NEW SECTION. Sec. 3. A new section is added to chapter 46.55 RCW to read as follows:

The Washington state patrol shall provide by rule for a uniform impound authorization and inventory form. All law enforcement agencies must use this form for all vehicle impounds after June 30, 2001.

Sec. 4. RCW 46.55.080 and 1989 c 111 s 8 are each amended to read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(~~(12)~~) (13), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles.

Sec. 5. RCW 46.55.100 and 1998 c 203 s 9 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, and the registered owner of any personal property registered or titled with the department that is attached to or contained in or on the impounded vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle, and for any items of personal property registered or titled with the department, that are in the operator's possession after the one hundred twenty hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold that is not a suspended license impound. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold that is not a suspended license impound is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fourteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle and any other items of personal property registered or titled with the department to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle and any other items of personal property registered or titled with the department to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle and any other items of personal property registered or titled with the department for the vehicle identification number or other appropriate identification numbers and check the necessary records to determine the vehicle's or other property's owners.

Sec. 6. RCW 46.55.110 and 1998 c 203 s 3 are each amended to read as follows:

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In addition, if a suspended license impound has been ordered, the notice must state the length of the impound, the requirement of the posting of a security deposit to ensure payment of the costs of removal, towing, and storage, notification that if the security deposit is not posted the vehicle will immediately be processed and sold at auction as an abandoned vehicle, and the requirements set out in RCW 46.55.120(1)(b) regarding the payment of the costs of removal, towing, and storage as well as providing proof of satisfaction of any penalties, fines, or forfeitures before redemption. The notice must also state that the registered owner is ineligible to purchase the vehicle at the abandoned vehicle auction, if held.

(3) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

~~((3))~~ (4) If the date on which a notice required by subsection ~~((2))~~ (3) of this section is to be mailed falls upon a Saturday, Sunday, or a postal holiday, the notice may be mailed on the next day that is neither a Saturday, Sunday, nor a postal holiday.

~~((4))~~ (5) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed.

Sec. 7. RCW 46.55.120 and 1998 c 203 s 5 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, or 46.55.113 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and

verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of ~~((b))~~ (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of ~~((b))~~ (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell

at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(c) Notwithstanding (b) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

(d) Notwithstanding (b) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9 RCW, including providing redemption rights to the debtor under RCW 62A.9-506. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9 RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

(e) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (b) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators

are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal

property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the Court located at in the sum of \$., in an action entitled, Case No. YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this day of, (year) . . .

Signature

Typed name and address
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(~~((2))~~) (3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

**Sec. 8. RCW 46.55.130 and 1998 c 203 s 6 are each amended to read as follows:*

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110(~~((2))~~) (3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, or for which a suspended license impound has been directed but no security paid under RCW 46.55.120, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day or a Saturday.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the ~~((department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the))~~ registered vehicle owner of record as determined by the department ~~((within one year from the date of the auction, the surplus moneys shall be remitted to such owner));~~

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within forty-five days sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4)(a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110~~((2))~~ (3).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available. However, storage charges begin to accrue again on the date the correct and complete information is provided to the department by the registered tow truck operator.

*Sec. 8 was vetoed. See message at end of chapter.

Sec. 9. RCW 46.61.625 and 1995 c 360 s 10 are each amended to read as follows:

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) No person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010~~((8))~~.

Sec. 10. RCW 46.70.180 and 1997 c 153 s 1 are each amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within three calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, either (i) to deliver to the buyer the dealer's signed acceptance, or (ii) to void the order, offer, or contract document and tender the return of any initial payment

or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contract, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, or title; or

(c) Signing any other documentation relating to the purchase, sale, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable. The department of licensing shall by December 31, 1996, in rule, adopt standard disclosure language for buyer's agent agreements under RCW 46.70.011, 46.70.070, and this section.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9 RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

Passed the Senate April 21, 1999.

Passed the House April 13, 1999.

Approved by the Governor May 18, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 18, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 8, Engrossed Senate Bill No. 5649 entitled:

"AN ACT Relating to vehicle impound notices, security, and auctions;"

Engrossed Senate Bill No. 5649 helps make vehicle impoundment and release more efficient, provides protections for tow truck operators, and enacts several related miscellaneous provisions.

Under current law, when a tow truck operator auctions an abandoned vehicle, any proceeds above towing and storage charges must be sent to the Department of Licensing for deposit in the Motor Vehicle Fund. The owner who abandoned the auctioned vehicle can recover the proceeds by filing a claim within one year - however, most do not.

Section 8 of ESB 5649 would require tow truck operators to send excess auction proceeds directly to the owner of the abandoned vehicle, instead of the Motor Vehicle Fund. However, there is no provision for disposition of the proceeds if the owner cannot be located. This change would reduce Motor Vehicle Fund revenue by nearly \$700,000 in the next biennium, depriving the state of funds for needed transportation projects. Present law sufficiently protects owners who care to file claims for excess auction proceeds.

For these reasons, I have vetoed section 8 of Engrossed Senate Bill No. 5649.

With the exception of section 8, Engrossed Senate Bill No. 5649 is approved."

CHAPTER 399

[Engrossed Substitute Senate Bill 5508]

CRAB CATCH RECORD CARDS

AN ACT Relating to catch record card requirements for recreational crab fishers; adding a new section to chapter 77.32 RCW; creating new sections; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The legislature finds that the department of fish and wildlife manages the recreational crab fishery through an imprecise system of catch estimation. Increased harvest data accuracy is needed for the recreational crab fishery and this goal can be accomplished through the establishment of a crab catch record card system.

The department shall utilize data from the crab catch record cards in preparing catch reports and in catch-sharing negotiations.

***NEW SECTION.** **Sec. 2.** *A new section is added to chapter 77.32 RCW to read as follows:*

A crab catch record card is required to fish for and harvest Dungeness crabs (Cancer magister) in the recreational fishery. The crab catch record card shall be administered under the rules of the commission.

*Sec. 2 was vetoed. See message at end of chapter.

***NEW SECTION.** **Sec. 3.** *This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 15, 1999.*

*Sec. 3 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 1999, in the omnibus appropriations act, this act is null and void.

Passed the Senate April 21, 1999.

Passed the House April 12, 1999.

Approved by the Governor May 18, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 18, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 2 and 3, Engrossed Substitute Senate Bill No. 5508 entitled:

"AN ACT Relating to catch record card requirements for recreational crab fishers;"

Engrossed Substitute Senate Bill No. 5508 requires the Department of Fish and Wildlife to utilize crab catch record cards in determining the recreational harvest of crab. Sections 2 and 3 of the bill would require recreational Dungeness crab fishers to have catch record cards on July 15, 1999, before they could fish. While I support the intent of this bill, the 1999 Dungeness crab license year has already begun, and this requirement would create significant difficulties for fishers who have already purchased licenses. It would also be practically impossible for the Department of Fish and Wildlife to notify crab fishers, and create and distribute catch record cards by mid-July.

The Department of Fish and Wildlife strongly agrees that catch record cards would be very valuable in tracking crab harvest and population statistics. And, it has committed to implementing the program by administrative rule, effective with the next license year beginning in April 2000.

For these reasons, I have vetoed sections 2 and 3 of Engrossed Substitute Senate Bill No. 5508.

With the exception of sections 2 and 3, Engrossed Substitute Senate Bill No. 5508 is approved."

CHAPTER 400

[House Bill 1549]

WATER RIGHTS PERMITS—DEADLINES

AN ACT Relating to extending deadlines prescribed as conditions in water rights permits; and amending RCW 90.03.320.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 90.03.320 and 1997 c 445 s 3 are each amended to read as follows:

Actual construction work shall be commenced on any project for which permit has been granted within such reasonable time as shall be prescribed by the department, and shall thereafter be prosecuted with diligence and completed within the time prescribed by the department. The department, in fixing the time for the commencement of the work, or for the completion thereof and the application of the water to the beneficial use prescribed in the permit, shall take into consideration the cost and magnitude of the project and the engineering and physical features to be encountered, and shall allow such time as shall be reasonable and just under the conditions then existing, having due regard for the public welfare and public

interests affected (~~and, for good cause shown, it~~). For good cause shown, the department shall extend the time or times fixed as aforesaid, and shall grant such further period or periods as may be reasonably necessary, having due regard to the good faith of the applicant and the public interests affected. Good cause includes prevention or restriction of water use by operation of federal laws for the time or times fixed for commencing work, completing work, and applying water to beneficial use otherwise authorized under a water right permit issued for a federal reclamation project. In fixing construction schedules and the time, or extension of time, for application of water to beneficial use for municipal water supply purposes, the department shall also take into consideration the term and amount of financing required to complete the project, delays that may result from planned and existing conservation and water use efficiency measures implemented by the public water system, and the supply needs of the public water system's service area, consistent with an approved comprehensive plan under chapter 36.70A RCW, or in the absence of such a plan, a county-approved comprehensive plan under chapter 36.70 RCW or a plan approved under chapter 35.63 RCW, and related water demand projections prepared by public water systems in accordance with state law. An existing comprehensive plan under chapter 36.70A or 36.70 RCW, plan under chapter 35.63 RCW, or demand projection may be used. If the terms of the permit or extension thereof, are not complied with the department shall give notice by registered mail that such permit will be canceled unless the holders thereof shall show cause within sixty days why the same should not be so canceled. If cause is not shown, the permit shall be canceled.

Passed the House April 20, 1999.

Passed the Senate April 13, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 401

[Engrossed Second Substitute Senate Bill 5931]

CAMPAIGN REPORTS—ELECTRONIC FILING

AN ACT Relating to electronic filing and publication of campaign finance and lobbyist reports; amending RCW 42.17.365, 42.17.367, 42.17.420, and 42.17.080; adding new sections to chapter 42.17 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 42.17 RCW to read as follows:

It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to meet goals for full and timely disclosure threatens to undermine our electoral process.

Furthermore, the legislature intends for the commission to consult with the department of information services as it seeks to implement this act, and that the commission follow the standards and procedures established by the department of information services in chapter 43.105 RCW as they relate to information technology.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office within two business days of the commission's receipt of the report and shall be accessible on the commission's web site within seven business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, and shall be accessible on the commission's web site within fourteen business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

(2) On January 1, 2001, or shortly thereafter, the commission shall revise these goals to reflect that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office and on the commission's web site within two business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office and on the commission's web site within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

By July 1st of each year beginning in 2000, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and 42.17.100 and the time that the report, a copy of the report, or a copy of the data or information

included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(2) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.105 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(3) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180 and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(4) The percentage of candidates, categorized as state-wide, state legislative, or local, that have used each of the following methods to file reports under RCW 42.17.080 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method;

(5) The percentage of continuing political committees that have used each of the following methods to file reports under RCW 42.17.065 or 42.17.105: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method; and

(6) The percentage of lobbyists and lobbyists' employers that have used each of the following methods to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180: (a) Hard copy paper format; (b) electronic format via diskette; (c) electronic format via modem or satellite; (d) electronic format via the Internet; and (e) any other format or method.

NEW SECTION. Sec. 4. A new section is added to chapter 42.17 RCW to read as follows:

(1) The commission shall develop an information technology plan consistent with plans or portfolios required by chapter 43.105 RCW.

(2) The plan must include, but not be limited to, the following:

(a) A baseline assessment of the agency's information technology resources and capabilities that will serve as the benchmark for subsequent planning and performance measures;

(b) A statement of the agency's mission, goals, and objectives for information technology, including goals and objectives for achieving electronic access to agency records, information, and services for at least the next five years;

(c) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan;

(d) An implementation strategy to enhance electronic access to public records and information required to be filed with and disclosed by the commission. This implementation strategy must be assembled to include:

- (i) Adequate public notice and opportunity for comment;
- (ii) Consideration of a variety of electronic technologies, including those that help to transcend geographic locations, standard business hours, economic conditions of users, and disabilities;
- (iii) Methods to educate agency employees, the public, and the news media in the effective use of agency technology;
- (iv) Ways to simplify and improve public access to information held by the commission through electronic means;
- (e) Projects and resources required to meet the objectives of the plan; and
- (f) If feasible, estimated schedules and funding required to implement identified projects.

NEW SECTION. Sec. 5. A new section is added to chapter 42.17 RCW to read as follows:

In preparing the information technology plan, the commission shall consult with affected state agencies, the department of information services, and stakeholders in the commission's work, including representatives of political committees, bona fide political parties, news media, and the general public.

NEW SECTION. Sec. 6. A new section is added to chapter 42.17 RCW to read as follows:

The commission shall submit the information technology plan to the senate and house of representatives fiscal committees, the governor, the senate state and local government committee, the house of representatives state government committee, and the department of information services by February 1, 2000. It is the intent of the legislature that the commission thereafter comply with the requirements of chapter 43.105 RCW with respect to preparation and submission of biennial performance reports on the commission's information technology.

NEW SECTION. Sec. 7. A new section is added to chapter 42.17 RCW to read as follows:

The commission shall prepare and submit to the department of information services a biennial performance report in accordance with chapter 43.105 RCW. The report must include:

- (1) An evaluation of the agency's performance relating to information technology;
- (2) An assessment of progress made toward implementing the agency information technology plan;
- (3) An analysis of the commission's performance measures, set forth in section 3 of this act, that relate to the electronic filing of reports and timely public access to those reports via the commission's web site;

(4) A comprehensive description of the methods by which citizens may interact with the agency in order to obtain information and services from the commission; and

(5) An inventory of agency information services, equipment, and proprietary software.

Sec. 8. RCW 42.17.365 and 1993 c 2 s 29 are each amended to read as follows:

The commission shall conduct a sufficient number of audits and field investigations so as to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within one week of the commission's completion of an audit or field investigation.

Sec. 9. RCW 42.17.367 and 1994 c 40 s 2 are each amended to read as follows:

By ~~((January 1, 1995))~~ February 1, 2000, the ~~((public disclosure))~~ commission shall ~~((design a program for electronic access to public documents filed with the commission. The program may include on-line access to the commission's magic and electronic bulletin board systems, providing information for the internet system, fax request service, automated telephone service, electronic filing of reports, and other service delivery options. Documents available in the program shall include, but are not limited to, public documents filed with the public disclosure commission, including, but not limited to, commission meeting schedules, financial affairs reports, contribution reports, expenditure reports, and gift reports. Implementation of the program is contingent on the availability of funds))~~ operate a web site or contract for the operation of a web site that allows access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, and 42.17.105. By January 1, 2001, the web site shall allow access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180. In addition, the commission shall attempt to make available via the web site other public records submitted to or generated by the commission that are required by this chapter to be available for public use or inspection.

Sec. 10. RCW 42.17.420 and 1995 c 397 s 18 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the

envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

NEW SECTION. Sec. 11. A new section is added to chapter 42.17 RCW to read as follows:

(1) By July 1, 1999, the commission shall offer every candidate, public official, political committee, and party organization that is required to file reports under this chapter the option of filing financial affairs reports, contribution reports, and expenditure reports electronically by diskette or via modem, satellite, or the Internet.

(2) By January 1, 2001, the commission shall offer all lobbyists and lobbyists' employers required to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180 the option of filing these reports electronically by diskette or via modem, satellite, or the Internet.

(3) The commission shall make available to each candidate, public official, political committee, lobbyist, lobbyist employer, and party organization an electronic copy of the appropriate reporting forms at no charge.

NEW SECTION. Sec. 12. A new section is added to chapter 42.17 RCW to read as follows:

Beginning January 1, 2001, each continuing political committee, that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in expenditures in the current year, shall file all contribution reports and expenditure reports required by this chapter electronically by diskette or via modem, satellite, or the Internet. Failure by a continuing political committee to comply with this section is a violation of this chapter.

Sec. 13. RCW 42.17.080 and 1995 c 397 s 2 are each amended to read as follows:

(1) On the day the treasurer is designated, each candidate or political committee shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, in addition to any statement of organization required under RCW 42.17.040 or 42.17.050, a report of all contributions received and expenditures made prior to that date, if any.

(2) At the following intervals each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee

maintains its office or headquarters, and if there is no office or headquarters then in the county in which the treasurer resides, a report containing the information required by RCW 42.17.090:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election: PROVIDED, That this report shall not be required following a primary election from:

(i) A candidate whose name will appear on the subsequent general election ballot; or

(ii) Any continuing political committee; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section: PROVIDED, That such report shall only be filed if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the fifth business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date on which the special or general election is held and ending on the date of that election, each Friday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds so deposited and the amount contributed by each person. However, contributions of no more than twenty-five dollars in the aggregate from any one person may be deposited without identifying the contributor. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the

date of the election the books of account shall be kept current within one business day ~~((and shall))~~. As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection as follows:

~~(a) For at least two consecutive hours ((Monday through Friday, excluding legal holidays))~~ on the eighth day immediately before the election, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission; ~~and~~

~~(b) By appointment for inspections to be conducted at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any other day from the seventh day through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days in the week prior to the election. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.~~

~~(5) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.~~

~~((5))~~ ~~(6)~~ All reports filed pursuant to subsections (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

~~((6))~~ ~~(7)~~ Copies of all reports filed pursuant to this section shall be readily available for public inspection for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

~~((7))~~ ~~(8)~~ The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.

NEW SECTION. Sec. 14. By December 1, 2000, the joint legislative audit and review committee shall have completed a performance audit of the duties and staffing of the public disclosure commission.

Passed the Senate April 24, 1999.

Passed the House April 24, 1999.

Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

CHAPTER 402

[Substitute Senate Bill 5781]

COMMUTE TRIP REDUCTION TAX CREDIT

AN ACT Relating to the commute trip reduction tax credit; amending RCW 82.04.4453, 82.16.048, 82.04.4454, 82.16.049, and 82.44.180; amending 1996 c 128 s 7 (uncodified); amending 1996 c 128 s 6 (uncodified); providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 82.04.4453 and 1996 c 128 s 1 are each amended to read as follows:

(1)(a) Employers in this state who are taxable under this chapter and provide financial incentives to their employees for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, ~~((2000))~~ 2006, shall be allowed a credit for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year. The credit shall be equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year.

(b) Property managers who are taxable under this chapter and provide financial incentives to persons employed at a worksite managed by the property manager in this state for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, 2006, shall be allowed a credit for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per person per year. A person may not take a credit under this section for amounts claimed for credit by other persons.

(c) For ride sharing in vehicles carrying two persons, the credit shall be equal to the amount paid to or on behalf of each employee multiplied by thirty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under this chapter.

(2) Application for tax credit under this chapter may only be made in the form and manner prescribed in rules adopted by the department.

(3) The credit shall be taken not more than once quarterly and not less than once annually against taxes due for the same calendar year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the calendar year in which the payment is made.

(4) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(5) On the first of April, July, October, and January of each year, the state treasurer based upon information provided by the department shall deposit to the

general fund a sum equal to the dollar amount of the credit provided under subsection (1) of this section from the air pollution control account ((to the general fund)), the transportation account, and the public transportation systems account. The first draw on reimbursements to the general fund must be from the air pollution control account, and reimbursements must not exceed one and one-half million dollars in any calendar year for the tax credits claimed under RCW 82.04.4453 and 82.16.048. Reimbursements to the general fund in excess of that amount drawn from the air pollution control account must be drawn, subject to appropriation, in equal amounts from the transportation account and the public transportation systems account; but in no case may those amounts exceed three hundred seventy-five thousand dollars from each account in any calendar year.

(6) The commute trip reduction task force shall determine the effectiveness of this tax credit as part of its ongoing evaluation of the commute trip reduction law and report ((no later than December 1, 1997;)) to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report shall include information on the amount of tax credits claimed to date and recommendations on future funding for the tax credit program. The report shall be incorporated into the recommendations required in RCW 70.94.537(5).

(7) Any person who knowingly makes a false statement of a material fact in the application for a credit under subsection (1) of this section is guilty of a gross misdemeanor.

(8) A person may not receive credit for amounts paid to or on behalf of the same employee under both this section and RCW 82.16.048.

Sec. 2. RCW 82.16.048 and 1996 c 128 s 3 are each amended to read as follows:

(1)(a) Employers in this state who are taxable under this chapter and provide financial incentives to their employees for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, ((2000)) 2006, shall be allowed a credit for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year. The credit shall be equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year.

(b) Property managers who are taxable under this chapter and provide financial incentives to persons employed at a worksite managed by the property manager in this state for ride sharing, for using public transportation, or for using nonmotorized commuting before June 30, 2006, shall be allowed a credit for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, or for using nonmotorized commuting, not to exceed sixty dollars per person per year. A person may not take a credit under this section for amounts claimed for credit by other persons.

(c) For ride sharing in vehicles carrying two persons, the credit shall be equal to the amount paid to or on behalf of each employee multiplied by thirty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under this chapter.

(2) Application for tax credit under this chapter may only be made in the form and manner prescribed in rules adopted by the department.

(3) The credit shall be taken not more than once quarterly and not less than once annually against taxes due for the same calendar year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the calendar year in which the payment is made.

(4) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(5) On the first of April, July, October, and January of each year, the state treasurer based upon information provided by the department shall deposit to the general fund a sum equal to the dollar amount of the credit provided under subsection (1) of this section from the air pollution control account ~~((to the general fund)), the transportation account, and the public transportation systems account. The first draw on reimbursements to the general fund must be from the air pollution control account, and reimbursements must not exceed one and one-half million dollars in any calendar year for the tax credits claimed under RCW 82.04.4453 and 82.16.048. Reimbursements to the general fund in excess of that amount drawn from the air pollution control account must be drawn, subject to appropriation, in equal amounts from the transportation account and the public transportation systems account; but in no case may those amounts exceed three hundred seventy-five thousand dollars from each account in any calendar year.~~

(6) The commute trip reduction task force shall determine the effectiveness of this tax credit as part of its ongoing evaluation of the commute trip reduction law and report ~~((no later than December 1, 1997;))~~ to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report shall include information on the amount of tax credits claimed to date and recommendations on future funding for the tax credit program. The report shall be incorporated into the recommendations required in RCW 70.94.537(5).

(7) Any person who knowingly makes a false statement of a material fact in the application for a credit under subsection (1) of this section is guilty of a gross misdemeanor.

(8) A person may not receive credit for amounts paid to or on behalf of the same employee under both this section and RCW 82.04.4453.

Sec. 3. RCW 82.04.4454 and 1996 c 128 s 2 are each amended to read as follows:

(1) The department shall keep a running total of all credits granted under RCW 82.04.4453 and 82.16.048 during each calendar year, and shall disallow any credits that would cause the tabulation for any calendar year to exceed ~~((one))~~ two million ((five)) two hundred twenty-five thousand dollars, or the amount provided from the air pollution control account and the appropriations from the transportation account and the public transportation systems account, whichever is less.

(2) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.04.4453 and 82.16.048 in excess of one hundred thousand dollars in any calendar year.

(3) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.04.4453 in excess of the amount of tax that would otherwise be due under this chapter.

(4) No portion of an application for credit disallowed under this section may be carried back or carried forward.

Sec. 4. RCW 82.16.049 and 1996 c 128 s 4 are each amended to read as follows:

(1) The department shall keep a running total of all credits granted under RCW 82.04.4453 and 82.16.048 during each calendar year, and shall disallow any credits that would cause the tabulation for any calendar year to exceed ~~((one))~~ two million ((five)) two hundred twenty-five thousand dollars, or the amount provided from the air pollution control account and the appropriations from the transportation account and the public transportation systems account, whichever is less.

(2) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.04.4453 and 82.16.048 in excess of one hundred thousand dollars in any calendar year.

(3) No ~~((employer shall be))~~ person is eligible for tax credits under RCW 82.16.048 in excess of the amount of tax that would otherwise be due under this chapter.

(4) No portion of an application for credit disallowed under this section may be carried back or carried forward.

Sec. 5. RCW 82.44.180 and 1998 c 321 s 41 (Referendum Bill No. 49) are each amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.110 and 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes and activities and operations of the Washington state patrol not directly related to the policing of public highways and that are not authorized under Article 11, section 40 of the state Constitution.

~~(2) ((There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be appropriated to the transportation improvement board and allocated by the transportation improvement board to public transportation projects within the region from which the funds are derived, solely for:~~

- ~~—(a) Planning;~~
- ~~—(b) Development of capital projects;~~
- ~~—(c) Development of high capacity transportation systems as defined in RCW 81.104.015;~~
- ~~—(d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and~~
- ~~—(e) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources.~~

~~—(3)) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2) (b) and (c) shall be appropriated to the transportation improvement board and allocated by the transportation improvement board to public transportation projects submitted by the public transportation systems ((from which the funds are derived)) as defined by chapters 36.56, 36.57, and 36.57A RCW and RCW 35.84.060 and 81.112.030, and the Washington state ferry system, solely for:~~

- (a) Planning;
- (b) Development of capital projects;
- (c) Development of high capacity transportation systems as defined in RCW 81.104.015;
- (d) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;
- (e) Other public transportation system-related roadway projects on state highways, county roads, or city streets; ~~((and))~~
- (f) Public transportation system contributions required to fund projects under federal programs and those approved by the transportation improvement board from other fund sources; and

(g) Reimbursement to the general fund of tax credits authorized under RCW 82.04.4453 and 82.16.048, subject to appropriation.

**Sec. 6. 1996 c 128 s 7 (uncodified) is amended to read as follows:*

(1) This act takes effect July 1, 1996.

(2) This act expires December 31, ((2000)) 2006.

*Sec. 6 was vetoed. See message at end of chapter.

**Sec. 7. 1996 c 128 s 6 (uncodified) is amended to read as follows:*

This act shall expire December 31, ((2000)) 2006.

*Sec. 7 was vetoed. See message at end of chapter.

***NEW SECTION.** *Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect July 1, 1999.*

*Sec. 8 was vetoed. See message at end of chapter.

Passed the Senate April 23, 1999.

Passed the House April 12, 1999.

Approved by the Governor May 18, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 18, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 6, 7, and 8, Substitute Senate Bill No. 5781 entitled:

"AN ACT Relating to the commute trip reduction tax credit;"

Substitute Senate Bill No. 5781 extends the commute trip reduction (CTR) tax credit to June 30, 2006 and continues the current policy of using the Air Pollution Control Account (APCA) to reimburse the State General Fund for the first \$1.5 million of tax credits given each year.

Sections 6 and 7 of the bill would extend the entire CTR tax credit program to December 31, 2006. Based upon the last proposed legislative transportation budget, this bill as drafted, combined with the operating budget for the 1999-2001 biennium, creates a shortfall in the APCA of between \$1.3 million and \$2.4 million in the next biennium.

I support extension of the CTR tax credit as a means of reducing traffic congestion. However, I cannot in good faith support the long-term implementation of the statutory changes contained in sections 1 through 5 of this bill unless the legislature also provides a solution to the projected deficit in the APCA.

The deficit in the APCA could result in increases in air pollution because of reduced technical assistance, voluntary compliance, and monitoring efforts. The state's margin of safety in healthy air standards in some areas are already in jeopardy due to our inability to adequately track and respond to changes in air pollution emissions. In the central Puget Sound region and the city of Vancouver, for example, the margin of safety for ozone pollution is one percent of current emissions. A return to non-attainment of the ozone standard is already extremely likely in light of the separate overall ten percent reduction in the Department of Ecology's current level of effort. A shortfall in the APCA would exacerbate this problem.

For areas that fall into non-attainment, we risk losing several million dollars of federal air pollution control grant money and hundreds of millions in federal transportation funds for expanding roadway capacity. We could be forced to restrict business growth when air quality fails to meet federal standards. We risk more federal intervention and less local control of air quality decisions, not to mention increasing costs to businesses to implement tighter federal controls.

I am directing the Office of Financial Management to work with the Department of Ecology, Department of Transportation, Legislative Transportation Committee, Senate Ways and Means Committee, and House Appropriations Committee to develop a workable proposal for funding the APCA and the CTR tax credit program, for implementation during the 2000 regular legislative session.

Section 8 of the bill is an unnecessary emergency clause that would require this bill to take effect July 1, 1999.

For these reasons, I have vetoed sections 6, 7, and 8 of Substitute Senate Bill No. 5781.

With the exception of sections 6, 7, and 8, Substitute Senate Bill No. 5781 is approved."

CHAPTER 403

[House Bill 1233]

HOMESTEAD EXEMPTION—VALUE

AN ACT Relating to the net value of a homestead exemption; and amending RCW 6.13.010, 6.13.150, 6.13.160, and 6.13.030.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 6.13.010 and 1993 c 200 s 1 are each amended to read as follows:

(1) The homestead consists of real or personal property that the owner uses as a residence. In the case of a dwelling house or mobile home, the homestead consists of the dwelling house or the mobile home in which the owner resides or intends to reside, with appurtenant buildings, and the land on which the same are situated and by which the same are surrounded, or improved or unimproved land owned with the intention of placing a house or mobile home thereon and residing thereon. A mobile home may be exempted under this chapter whether or not it is permanently affixed to the underlying land and whether or not the mobile home is placed upon a lot owned by the mobile home owner. Property included in the homestead must be actually intended or used as the principal home for the owner.

(2) As used in this chapter, the term "owner" includes but is not limited to a purchaser under a deed of trust, mortgage, or real estate contract.

(3) As used in this chapter, the term "net value" means market value less all liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon.

Sec. 2. RCW 6.13.150 and 1987 c 442 s 215 are each amended to read as follows:

If, from the report, it appears to the court that the value of the homestead, less liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon, exceeds the homestead exemption and the property can be divided without material injury and without violation of any governmental restriction, the court may, by an order, direct the appraiser to set off to the owner so much of the land, including the residence, as will amount in net value to the homestead exemption, and the execution may be enforced against the remainder of the land.

Sec. 3. RCW 6.13.160 and 1987 c 442 s 216 are each amended to read as follows:

If, from the report, it appears to the court that the appraised value of the homestead property, less liens and encumbrances senior to the judgment being executed upon and not including the judgment being executed upon, exceeds the amount of the homestead exemption and the property is not divided, the court must make an order directing its sale under the execution. The order shall direct that at such sale no bid may be received unless it exceeds the amount of the homestead exemption.

Sec. 4. RCW 6.13.030 and 1993 c 200 s 2 are each amended to read as follows:

A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, mobile home, improvements, and other personal property, as described in RCW 6.13.010, or (2) the sum of ~~((thirty))~~ forty thousand dollars in the case of lands, mobile home, and improvements, or the sum of fifteen thousand dollars in the case of other personal property described in RCW 6.13.010, except where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, in which event there shall be no dollar limit on the value of the exemption.

Passed the House April 23, 1999.

Passed the Senate April 13, 1999.

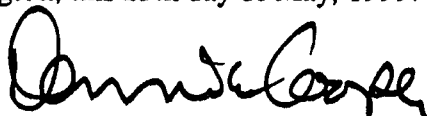
Approved by the Governor May 18, 1999.

Filed in Office of Secretary of State May 18, 1999.

AUTHENTICATION

I, Dennis W. Cooper, Code Reviser of the State of Washington, certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 1999 regular session (56th Legislature), chapters 280 through 403, respectively, as certified and transmitted to the Statute Law Committee by the Secretary of State under RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 25th day of May, 1999.

A handwritten signature in black ink, appearing to read "Dennis W. Cooper". The signature is fluid and cursive, with the first name being the most prominent.

DENNIS W. COOPER
Code Reviser

1999

SESSION LAWS

OF THE

STATE OF WASHINGTON

FIRST SPECIAL SESSION
FIFTY-SIXTH LEGISLATURE
Convened May 17, 1999. Adjourned May 19, 1999.



Published at Olympia by the Statute Law Committee under
Chapter 6, Laws of 1969.

DENNIS W. COOPER
Code Reviser

**WASHINGTON SESSION LAWS
GENERAL INFORMATION**

1. EDITIONS AVAILABLE.

(a) *General Information.* The session laws are printed successively in two editions:

- (i) a temporary pamphlet edition consisting of a series of one or more paper bound books, which are published as soon as possible following the session, at random dates as accumulated; followed by
- (ii) a permanent hardbound edition containing the accumulation of all laws adopted in the legislative session. Both editions contain a subject index and tables indicating Revised Code of Washington sections affected.

(b) *Where and how obtained—price.* Both the temporary and permanent session laws may be ordered from the Statute Law Committee, Legislative Building, P.O. Box 40552, Olympia, Washington 98504-0552. The temporary pamphlet edition costs \$21.60 per set (\$20.00 plus \$1.60 for state and local sales tax at 8.0%). The permanent edition costs \$54.00 per set (\$25.00 per volume plus \$4.00 for state and local sales tax at 8.0%). All orders must be accompanied by payment.

2. PRINTING STYLE — INDICATION OF NEW OR DELETED MATTER

Both editions of the session laws present the laws in the form in which they were enacted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

(a) In amendatory sections

- (i) underlined matter is new matter.
- (ii) deleted matter is (~~lined out and bracketed between double parentheses~~).

(b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES

(a) Vetoed matter is *printed in bold italics*.

(b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS. Words and clauses inserted in the session laws under the authority of RCW 44.20.060 are enclosed in [brackets].

5. EFFECTIVE DATE OF LAWS

(a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 1999 first special session to be August 18, 1999 (midnight August 17th).

(b) Laws that carry an emergency clause take effect immediately upon approval by the Governor.

(c) Laws that prescribe an effective date take effect upon that date.

6. INDEX AND TABLES

A cumulative index and tables of all 1999 laws may be found at the back of the final pamphlet edition and the permanent hardbound edition.



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CHAPTER I

[Engrossed Substitute House Bill 1125]

TRANSPORTATION FUNDING

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.1906, 88.16.090, 43.43.300, and 44.40.010; amending 1997 c 457 ss 110, 204, 215, 223, 303, and 403 (uncodified); amending 1998 c 348 ss 203, 205, 207, 208, 209, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 402, and 404 (uncodified); reenacting and amending RCW 47.26.4254 and 47.26.505; reenacting RCW 47.26.425 and 47.26.4252; adding a new section to chapter 44.40 RCW; adding a new section to 1997 c 457 (uncodified); creating new sections; repealing RCW 46.68.095 and 46.68.100; repealing 1997 c 457 s 502 (uncodified); repealing 1997 c 457 s 514 (uncodified); repealing 1997 c 457 s 515 (uncodified); making appropriations; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

***NEW SECTION. Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2001.

(2) Legislation with fiscal impacts enacted in the 1997 or 1998 legislative session not assumed in this act are not funded in the 1997-99 transportation budget.

(3) Legislation with fiscal impacts enacted in the 1999 legislative session not assumed in this act are not funded in the 1999-01 transportation budget.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2000" or "FY 2000" means the fiscal year ending June 30, 2000.

(b) "Fiscal year 2001" or "FY 2001" means the fiscal year ending June 30, 2001.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Performance-based budgeting" means a budget that bases resource needs on quantified outcomes and results expected from use of the total appropriation. "Performance-based budgeting" does not mean incremental budgeting that focuses on justifying changes from the historic budget or to line-item input-driven budgets.

(g) "Goals" means the statements of purpose that identify a desired result or outcome. The statements shall be realistic, achievable, directive, assignable, evaluative, and logically linked to the agency's mission and statutory mandate.

(h) "Strategic plan" means the strategies agencies create for investment choices in the future. All agency strategic plans shall present alternative investment strategies for providing services.

(i) "Enacted in the form passed by the legislature" means the referenced bill, as identified by a four-digit number, was:

(i) Passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto; or

(ii) Attached in full onto another bill as an amendment and the entire bill, including the amendment, was passed by the legislature and enacted either with no provisions vetoed by the governor or with only ministerial or de minimus changes resulting from a partial veto.

*Sec. 1 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 2. The legislature recognizes that the 1999 endangered species act listing or proposed listing of salmonid species throughout the state of Washington may require increased operational and capital expenditures for transportation. As the state's fiscal obligations pursuant to the listing or proposed listing become clearer over time, it may be necessary to revisit funding decisions reflected in this act in order to shift resources to meet those obligations. The department of transportation, the transportation improvement board, and the county road administration board shall report to the legislature on December 1, 1999, on capital project delay impacts, including impact on costs and project delivery, due to the endangered species act listing or proposed listing.

PART I

GENERAL GOVERNMENT AGENCIES—OPERATING

NEW SECTION. Sec. 101. **FOR THE DEPARTMENT OF AGRICULTURE**

Motor Vehicle Account—State Appropriation \$ 327,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

NEW SECTION. Sec. 102. **FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**

Motor Vehicle Account—State Appropriation \$ 900,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$103,000 of the appropriation is provided solely for the local government finance reporting system project. This amount shall lapse unless \$207,000 is appropriated for this project from the state general fund; and

(2) \$202,000 of the appropriation is provided solely for the transportation infrastructure needs data base project. This amount shall lapse unless \$405,000 is appropriated for this project in the omnibus operations appropriations act.

(3) \$325,000 of the appropriation is provided solely for contracting with the office of the state auditor for the collection of local government fiscal data associated with the local government finance reporting system. In implementing the reporting system, the legislative evaluation and accountability program shall work with the local government finance study technical advisory committee. The committee shall include, but not be limited to, one member from the senate and one member from the house of representatives. An alternate legislator shall also be picked for each designated legislator to serve in the event that the designated legislator is unable to fulfill his or her duties on the committee. This amount shall lapse unless the legislature appropriates \$325,000 for the same purpose by June 30, 1999, in the omnibus appropriations act.

***NEW SECTION. Sec. 103. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Grade Crossing Protective Account—

State Appropriation \$ 111,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The utilities and transportation commission shall develop a competitive rail grade crossing safety grant program which will fully fund selected safety projects to the extent allowable under chapter 81.53 RCW.

(2) Beginning on the effective date of this act through May 1, 2000, the utilities and transportation commission may not grant any new certificates under chapter 81.68 RCW in any areas where a public transportation system has been formed.

(3) The appropriation in this section is for the fiscal year ending June 30, 2000.

(4) During the 1999 interim the legislative transportation committees shall convene a task force to study issues related to the siting of, and fees charged for the siting of, utility facilities on, over, under, and along railroad rights of way.

**Sec. 103 was partially vetoed. See message at end of chapter.*

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account—State Appropriation \$ 931,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: A report of actual expenditures and descriptions of the expenditures from the motor vehicle fund will be submitted to the legislature with the governor's 2001-2003 biennial budget request.

GENERAL GOVERNMENT AGENCIES—CAPITAL

NEW SECTION. Sec. 105. FOR WASHINGTON STATE PARKS AND RECREATION—CAPITAL PROJECTS

Motor Vehicle Account—State Appropriation \$ 2,690,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$900,000 is a reappropriation provided to complete the Cama Beach project and the Damon point project funded in section 110, chapter 457, Laws of 1997. The projects shall be completed by June 30, 2001. Upon completion of these projects any surplus funding may be used for the projects listed in subsection (2) of this section.

(2) \$1,790,000 is a one-time appropriation provided solely for the following projects, apportioned as follows:

(a) Ike Kinswa State Park, \$100,000 to commission a hydrology and geology study for the park road drainage system and a traffic study of the intersection of the park entrance roads with SR 122;

(b) Mt. Spokane State Park, \$1,300,000;

(c) Beacon Rock State Park, \$300,000; and

(d) Cama Beach State Park, \$90,000.

These projects shall be completed by June 30, 2001. Project status reports shall be submitted to the senate transportation committee and the house of representatives transportation committee in January 2000 and January 2001.

PART II

TRANSPORTATION AGENCIES

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation \$ 1,452,000

Highway Safety Account—Federal Appropriation \$ 9,038,000

School Zone Safety Account—State Appropriation \$ 1,004,000

TOTAL APPROPRIATION \$ 11,494,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$25,000 of the highway safety account—state is provided as a one-time appropriation to implement the Cooper Jones act, chapter 165, Laws of 1998.

NEW SECTION. Sec. 202. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account—State Appropriation \$ 290,000

NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation \$ 72,510,000

Motor Vehicle Account—State Appropriation \$ 9,546,000

Motor Vehicle Account—Private/Local		
Appropriation	\$	376,000
County Arterial Preservation Account—		
State Appropriation	\$	28,612,000
TOTAL APPROPRIATION	\$	111,044,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$8,000,000 of the motor vehicle account—state appropriation is provided solely for projects on the freight and goods systems on county roads.

NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account—State Appropriation	\$	104,508,000
Transportation Improvement Account—		
State Appropriation	\$	99,414,000
Public Transportation Systems Account—		
State Appropriation	\$	33,496,000
TOTAL APPROPRIATION	\$	237,418,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: To the extent practicable, the board shall give preference, for amounts which would otherwise be granted to cities, to those projects which complement projects funded under the county corridor congestion relief program contained in section 231(8) of this act.

NEW SECTION. Sec. 205. FOR THE SENATE

Motor Vehicle Account—State Appropriation	\$	2,586,000
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The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The appropriation in this section is provided solely to fund the activities of the senate transportation committee.
- (2) The senate transportation committee shall work during the 1999 interim with members of the senate ways and means committee to assess funding options for aviation.
- (3) The senate transportation committee shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.
- (4) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:

(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;

(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;

(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and

(d) Evaluate governance issues associated with road jurisdiction.

(5) The committee shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee.

NEW SECTION. Sec. 206. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation \$ 4,283,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,467,000 of the motor vehicle account—state appropriation is provided for the operation of the house of representatives transportation committee. The appropriation includes \$500,000 for personal service contracts and other activities as deemed necessary by the house of representatives transportation committee.

(2) The transportation committees of the legislature shall evaluate the transportation functions currently performed by the utilities and transportation commission including but not limited to those regarding the issuance of certificates of public convenience and necessity for auto transportation companies.

(3) A legislative task force consisting of one member from each caucus of the senate and one member from each caucus of the house of representatives shall conduct a road jurisdiction study. The legislative task force shall appoint a technical advisory panel consisting of representatives of cities, counties, and the department of transportation. The study shall include but not be limited to an examination of the following issues:

(a) Whether changed conditions merit redesignation of certain local roadways as state routes and the return of certain state routes to local jurisdictions;

(b) Alternatives to current revenue distribution methodologies for funding roadway and highway needs;

(c) Determine roadway responsibilities, authorities, and practices by jurisdictional level; and

(d) Evaluate governance issues associated with road jurisdiction.

(4) The transportation committees of the legislature shall oversee program accountability reviews of department of transportation, department of licensing, and Washington state patrol programs selected by the senate transportation committee.

***NEW SECTION. Sec. 207. FOR THE BLUE RIBBON COMMISSION ON TRANSPORTATION**

Motor Vehicle Account—State Appropriation \$ 1,800,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The \$1,800,000 motor vehicle account—state appropriation is provided solely for the purpose of enabling the blue ribbon commission on transportation to fulfill its mission. The funds are to be administered by the senate transportation committee and the house of representatives transportation committee on behalf of the blue ribbon commission on transportation.

(2) *The blue ribbon commission on transportation shall commission and supervise the development of a modal trade-off model. The purpose of the model is to assist, not replace decision making; it will not simply produce numerical solutions. The model shall be developed in cooperation with the senate transportation committee, the house of representatives transportation committee, the transportation commission, and the department of transportation's modal directors of research, planning, and programming.*

*Sec. 207 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 208. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account—
State Appropriation \$ 356,000

NEW SECTION. Sec. 209. FOR THE TRANSPORTATION COMMISSION

Transportation Account—State Appropriation \$ 807,000

***NEW SECTION. Sec. 210. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Transportation Account—State Appropriation \$ 600,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: When approving projects, the freight mobility strategic investment board shall:

(1) *Emphasize funding projects according to their order on the prioritization list developed by the board;*

(2) *Not allow the program's share of total project cost to exceed sixty-five percent unless the board grants a special exception;*

(3) *Set a \$50,000,000 cap on the amount it will authorize for any one project; and*

(4) *Give a project a higher priority designation if project partners increase their funding and the board deems the reprioritization is appropriate.*

*Sec. 210 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL—FIELD OPERATIONS BUREAU

State Patrol Highway Account—		
State Appropriation	\$	154,538,000
State Patrol Highway Account—		
Federal Appropriation	\$	6,153,000
State Patrol Highway Account—		
Private/Local Appropriation	\$	169,000
TOTAL APPROPRIATION	\$	160,860,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The following amounts are provided solely for administration of the field operations group subprogram: \$120,372,000 of the state patrol highway account—state appropriation; \$2,854,000 of the state patrol highway account—federal appropriation; and \$83,000 of the state patrol highway account—private/local appropriation.

(2) The following amounts are provided solely for the administration of the commercial vehicle division subprogram: \$26,367,000 of the state patrol highway account—state appropriation; \$3,299,000 of the state patrol highway account—federal appropriation; and \$86,000 of the state patrol highway account—private/local appropriation.

(3) \$7,799,000 of the state patrol highway account—state appropriation is provided solely for the administration of the traffic investigation division subprogram.

(4) \$1,137,000 of the state patrol highway account—state appropriation is provided solely for the license fraud task force to begin on July 1, 1999. Positions funded are one sergeant/detective, three Washington state patrol detectives, and one clerical support person, for administrative support for the task force as a whole. \$115,400 of this amount is for reimbursement to the department of revenue and \$228,315 of this amount is for reimbursement to the attorney general's office. If Senate Bill No. 5706 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse. Any funds provided in this subsection not used to implement Senate Bill No. 5706 as enacted by the legislature shall revert at the end of the 1999-01 biennium.

(5) \$1,435,000 of the state patrol highway account—state appropriation is provided solely to the field operations group subprogram as a one-time appropriation to begin funding phase III of the Washington state patrol's upgrade to the state-wide emergency communication system. The Washington state patrol shall provide a full analysis of the costs, benefits, and requirements for completing all phases of the upgrade to the state-wide emergency communication system to the senate transportation committee and the house of representatives transportation committee by December 1, 1999.

(6) The Washington state patrol is authorized to use the federal community-oriented policing program (COPS) for 18 COPS troopers to begin in July 2000.

The troopers must be used on the state's highways and up to six may be utilized in the Vancouver, Washington area.

NEW SECTION. Sec. 212. FOR THE WASHINGTON STATE PATROL—SUPPORT SERVICES BUREAU

State Patrol Highway Account—	
State Appropriation	\$ 67,015,000
State Patrol Highway Account—	
Federal Appropriation	\$ 104,000
State Patrol Highway Account—	
Private/Local Appropriation	\$ 743,000
TOTAL APPROPRIATION	\$ 67,862,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$877,000 of the state patrol highway account—state appropriation is provided solely to maintain pursuit vehicles and provide for replacement of the vehicles at 110,000 miles. The agency may purchase a total of 354 pursuit vehicles during the biennium ending June 30, 2001. The appropriation in this section reflects carry forward and new funding due to the consolidation of gasoline, maintenance, parts, and pursuit vehicles into the fleet section of the support services bureau.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING—MANAGEMENT AND SUPPORT SERVICES

Motorcycle Safety Education Account—	
State Appropriation	\$ 118,000
Wildlife Account—State Appropriation	\$ 50,000
Highway Safety Account—State Appropriation	\$ 6,578,000
Motor Vehicle Account—State Appropriation	\$ 4,571,000
TOTAL APPROPRIATION	\$ 11,317,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

Motorcycle Safety Education Account—	
State Appropriation	\$ 102,000
Wildlife Account—State Appropriation	\$ 46,000
Highway Safety Account—State Appropriation	\$ 5,725,000
Motor Vehicle Account—State Appropriation	\$ 3,651,000
TOTAL APPROPRIATION	\$ 9,524,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$745,000 of the highway safety fund—state appropriation is a reappropriation of funds originally appropriated for the document scanner project in the 1997-99 biennium.

***NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES**

Marine Fuel Tax Refund Account—

State Appropriation	\$	26,000
Wildlife Account—State Appropriation	\$	556,000
Motor Vehicle Account—State Appropriation	\$	56,137,000
DOL Services Account—State Appropriation	\$	2,907,000
TOTAL APPROPRIATION	\$	59,626,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$81,000 of the motor vehicle account—state appropriation is provided solely to implement Senate Bill No. 5000 enacted in the form passed by the legislature. If Senate Bill No. 5000 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$273,000 of the motor vehicle account—state appropriation is provided solely to implement Senate Bill No. 5280 enacted in the form passed by the legislature. If Senate Bill No. 5280 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$82,000 of the motor vehicle account—state appropriation is provided solely to implement Senate Bill No. 5641 enacted in the form passed by the legislature. If Senate Bill No. 5641 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$300,000 of the motor vehicle account—state appropriation is provided solely to implement Senate Bill No. 6009 enacted in the form passed by the legislature. If Senate Bill No. 6009 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$15,000 of the motor vehicle account—state appropriation is provided solely to implement House Bill No. 2201 enacted in the form passed by the legislature.

(6) The department of licensing shall issue license plate emblems at the discretion of the adjutant general.

*Sec. 215 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

Motorcycle Safety Education Account—

State Appropriation	\$	1,960,000
Highway Safety Account—State Appropriation	\$	78,075,000
TOTAL APPROPRIATION	\$	80,035,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,880,000 of the highway safety account—state appropriation is provided solely for the department to enter into a contract for the implementation of an improved state driver's license and identicard. The contract with the vendor providing the improved license and identicard shall state that the license and the identicard shall not contain: (a) The driver's social security number in either

visible or machine readable form; or (b) the driver's fingerprint or thumbprint. Consistent with RCW 42.17.260(9) the department shall not sell or otherwise make available any information that it gathers from citizens of the state of Washington in administering the driver's licensing program except as already authorized in Title 46 RCW.

(2) In September of 1999 the department of licensing shall report to the senate transportation committee and the house of representatives transportation committee on:

(a) The controls implemented by the department to ensure the integrity and credibility of the written driver's license test administered by the department; and

(b) The policies and procedures implemented by the department to ensure that the driver's manuals produced and distributed by the department contain correct data based on current federal, state, and local statutes, ordinances, and rules.

(3) \$610,000 of the highway safety fund—state appropriation is provided solely to implement House Bill No. 1147 enacted in the form passed by the legislature. If House Bill No. 1147 is not enacted in the form passed by the legislature by June 30, 1999, the amount provided in this subsection shall lapse.

(4) \$17,000 of the highway safety fund—state appropriation is provided solely to implement House Bill No. 1774 enacted in the form passed by the legislature. If House Bill No. 1774 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(5) \$130,000 of the highway safety fund—state appropriation is provided solely to implement House Bill No. 2259 enacted in the form passed by the legislature. If House Bill No. 2259 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$34,000 of the highway safety fund—state appropriation is provided solely to implement Senate Bill No. 5374 enacted in the form passed by the legislature. If Senate Bill No. 5374 is not enacted in the form passed by the legislature the amount referenced in this subsection shall lapse.

(7) If Senate Bill No. 6009 is enacted in the form passed by the legislature \$335,000 of the highway safety fund—state appropriation shall lapse.

(8) \$329,000 of the highway safety account—state appropriation is provided solely to implement Senate Bill No. 5399 enacted as passed by the legislature.

*Sec. 216 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND FACILITIES—PROGRAM D—OPERATING

Motor Vehicle Account—State Appropriation	\$	44,508,000
Motor Vehicle Account—Federal Appropriation	\$	400,000
TOTAL APPROPRIATION	\$	44,908,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State Appropriation	\$	4,010,000
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Aircraft Search and Rescue Safety and	
Education Account—State Appropriation	\$ 159,000
Transportation Account—State Appropriation	\$ 247,000
TOTAL APPROPRIATION	\$ 4,416,000

***NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**

Motor Vehicle Account—State Appropriation	\$ 630,010,000
Motor Vehicle Account—Federal Appropriation	\$ 234,939,000
Motor Vehicle Account—Private/Local Appropriation	\$ 43,344,000
High Capacity Transportation Account—State Appropriation	\$ 110,000
Special Category C Account—State Appropriation	\$ 55,220,000
Transportation Account—State Appropriation	\$ 197,284,000
Transportation Account—Federal Appropriation	\$ 56,808,000
Puyallup Tribal Settlement Account— State Appropriation	\$ 8,662,000
Transportation Infrastructure Account— State Appropriation	\$ 1,750,000
Transportation Infrastructure Account— Private/Local Appropriation	\$ 1,750,000
TOTAL APPROPRIATION	\$ 1,229,877,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

- (1) The special category C account—state appropriation of \$55,220,000 includes \$40,500,000 in proceeds from the sale of bonds authorized by Senate Bill No. 5060 or House Bill No. 1203 enacted in the form passed by the legislature. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.
- (2) The motor vehicle account—state appropriation includes \$1,285,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.
- (3) The department shall report December 1st and June 1st of each year to the senate transportation committee and the house of representatives transportation committee and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit.

This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(4) The motor vehicle account—federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(5) The north Sumner interchange project shall be funded entirely from the motor vehicle account appropriation. The project shall no longer receive a portion of its funding from the economic development account.

(6) \$34,920,000 of the motor vehicle account—state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(7) The motor vehicle account—state appropriation includes \$469,779,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(8) \$500,000 of the motor vehicle account—state appropriation is provided solely for analysis and design of congestion solutions at the intersections of the South Lake Union/Mercer corridor with Interstate 5 and SR 99. The amount provided in this subsection shall be expended on the state's portion of the project. The department's authority to expend the amount referenced in this subsection is contingent on the city of Seattle appropriating \$500,000 or more toward design and analysis for the local street portion of the project.

(9) \$10,000,000 of the motor vehicle account—state appropriation and \$40,000,000 of the transportation account—state appropriation are provided as a cash contribution for the development of the public private initiatives project at Tacoma Narrows. State funds shall be used initially for the acquisition of right of way and the forensic studies of the existing bridge including purchase of equipment necessary to conduct the studies. The balance of state funds not required for acquisition of right of way and forensic studies shall be placed with the designated bond trustee at the same time the privately secured debt proceeds are deposited.

(10)(a) \$3,992,000 of the motor vehicle account—state appropriation is provided for the following two highway projects on SR 16 except as set forth under (b) of this subsection: Union to Sixth avenue/Pearl street and Sixth avenue/Pearl street to Jackson avenue. These projects are part of a coordinated approach that, along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor. The appropriations in this section include funds for the construction of high occupancy vehicle (HOV) lanes on SR 16 on both the eastern and western sides of the Tacoma narrows bridge. The HOV construction project is part of a coordinated approach that,

along with construction of the Tacoma Narrows bridge project, will provide congestion relief on the SR 16 corridor.

(b) If the Tacoma Narrows bridge project is delayed, the transportation commission may reprioritize projects on SR 16.

(11) \$5,800,000 of the motor vehicle account—state appropriation is provided solely for the completion of the weigh stations at Stanwood and Cle Elum along with weigh in motion at those sites an weigh in motion at Fort Lewis Northbound. The Washington state patrol and department of transportation shall work cooperatively to complete these projects.

(12) \$485,000 of the motor vehicle account—state appropriation is a reappropriation provided solely to enable the translake committee to finalize and present its recommendations. Upon presentation of the recommendations, or upon the expenditure of the appropriation provided by this subsection, the department of transportation shall disband the committee.

(13) \$800,000 of the motor vehicle account—state appropriation is provided solely to the Washington state department of transportation, office of urban mobility, to advance the recommendations of the translake Washington study committee. These funds shall be used to develop a scope of work for an environmental impact statement and related engineering work, including an environmental strategy, a decision process, a statement of purpose and need, and a formal notice of intent. None of the appropriation for the scope of work for the environmental impact statement shall be available to support any activities of the translake Washington study committee.

(14) \$500,000 of the motor vehicle fund—state appropriation is provided solely for predesign of the northeast 44th street interchange on I-405. The department of transportation and the city of Renton shall develop a proposal that includes a funding plan for the interchange that specifies the partner's share of the cost. The department and the city shall report to the legislative transportation committees by December 1, 1999.

*Sec. 219 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION ECONOMIC PARTNERSHIPS—PROGRAM K

Transportation Account—State Appropriation	\$	1,212,000
Motor Vehicle Account—State Appropriation	\$	10,162,000
TOTAL APPROPRIATION	\$	11,374,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The motor vehicle fund—state appropriation includes \$10,162,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development, design, right of way, and construction of the Tacoma narrows bridge improvements under the public-

private transportation initiative program authorized under chapter 47.46 RCW; and for support costs of the public-private transportation initiatives program.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation	\$	251,426,000
Motor Vehicle Account—Federal Appropriation	\$	887,000
Motor Vehicle Account—Private/Local Appropriation	\$	3,417,000
TOTAL APPROPRIATION	\$	255,730,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund—state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Motor Vehicle Account—State Appropriation	\$	318,691,000
Motor Vehicle Account—Federal Appropriation	\$	284,587,000
Motor Vehicle Account—Private/Local Appropriation	\$	3,117,000
Transportation Account—State Appropriation	\$	121,000
TOTAL APPROPRIATION	\$	606,516,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund—state appropriation includes \$6,650,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The motor vehicle account—federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q

State Patrol Highway Account—State Appropriation	\$	221,000
Motor Vehicle Account—State Appropriation	\$	37,085,000
Motor Vehicle Account—Federal Appropriation	\$	1,662,000
Motor Vehicle Account—Private/Local Appropriation	\$	122,000
TOTAL APPROPRIATION	\$	39,090,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

(1) The motor vehicle account—state appropriation includes \$4,324,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than commercial vehicle information system and network (CVISN). These moneys shall be placed into reserve status until such time as federal funds are secured and a state match is required. If matching federal funds are not obtained by September 30, 2000, the amount provided in this subsection shall lapse.

(2) The motor vehicle account—state appropriation includes \$600,000 for a two-year pilot program for contracted roving service patrols. The department shall provide a progress report on this pilot program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee on December 1, 2000. The pilot program will be evaluated with future direction and funding to be determined by the documented results and benefits of the pilot program.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

Puget Sound Capital Construction Account—

State Appropriation	\$	4,464,000
Motor Vehicle Account—State Appropriation	\$	98,390,000
Motor Vehicle Account—Federal Appropriation	\$	125,000

Puget Sound Ferry Operations Account—

State Appropriation	\$	6,308,000
Transportation Account—State Appropriation	\$	1,517,000
TOTAL APPROPRIATION	\$	110,804,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity: \$586,000 of the motor vehicle account—state appropriation is provided solely to enable the secretary of transportation to implement a leadership training program at the department of transportation. The program shall include a mentoring component. The department shall develop performance measures to evaluate the effectiveness of the program, including but not limited to a performance measure to determine the effect of the program on employee retention. The department shall provide a progress report on the training program to the office of financial management, the senate transportation committee, and the house of representatives transportation committee by December 1, 2000.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Motor Vehicle Account—State Appropriation	\$	12,109,000
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Motor Vehicle Account—Federal Appropriation	\$	17,000,000
Transportation Account—State Appropriation	\$	1,371,000
TOTAL APPROPRIATION	\$	30,480,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

(1) FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT

Transportation Account—State Appropriation	\$	2,595,000
Puget Sound Ferry Operations—State Appropriation	\$	1,155,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Account—State Appropriation	\$	907,000
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(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Account—State Appropriation	\$	3,743,000
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(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Account—State Appropriation	\$	2,240,000
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(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Transportation Account—State Appropriation	\$	12,039,000
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(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Fund—Puget Sound Ferry Operations Account—State Appropriation	\$	3,462,000
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(7) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account—State Appropriation	\$	158,000
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(8) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION STATE PARKING SERVICES

Motor Vehicle Account—State Appropriation	\$	90,000
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(9) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Account—State Appropriation	\$	1,100,000
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(10) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account—State Appropriation	\$	392,000
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NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

High Capacity Transportation Account— State Appropriation	\$	3,701,000
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Air Pollution Control Account—State	
Appropriation	\$ 6,253,000
Transportation Account—State Appropriation	\$ 7,187,000
Transportation Account—Federal Appropriation	\$ 7,345,000
Transportation Account—Private/Local	
Appropriation	\$ 105,000
Public Transportation Systems Account—	
State Appropriation	\$ 800,000
TOTAL APPROPRIATION	\$ 24,391,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$750,000 of the transportation account—state appropriation is provided solely for grants and activities relating to coordinating special needs transportation among state and local providers. When selecting grant recipients, the agency council on coordinated transportation shall give priority to projects and programs that can be accomplished in the 1999-2001 biennium. The department may expend up to \$250,000 without a matching appropriation. The department's authority to expend more than that amount is conditioned upon the legislature authorizing a matching appropriation equal to the total expenditure of the amount provided in this subsection.

(2) \$50,000 of the public transportation systems account—state appropriation is provided solely to continue and enhance an existing pilot project between a public transit provider and a school district expanding public transit service to high school students in order to reduce the use of single occupancy vehicles.

(3) The department shall assess its commute trip reduction program. The assessment shall include an evaluation of tax credits or other incentives to employers who reduce commute trips to their work sites by encouraging employees to telecommute. Up to \$50,000 of the air pollution control account—state appropriation is provided for a pilot project implementing telecommuting as part of the commute trip reduction program. The pilot project may include use of tax credits or other financial incentives.

(4) In evaluating applications for rural mobility grants to public transportation agencies, the department shall give added weight to projects that improve connectivity among transit providers and across jurisdictional boundaries.

(5) \$4,900,000 of the transportation account—federal appropriation is provided solely for commute trip reduction programs administered by the department of transportation. These funds come from the TEA-21 congestion mitigation air quality program. The office of financial management shall place \$1,000,000 of the air pollution control account—state appropriation in reserve status.

***NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Puget Sound Capital Construction Account—		
State Appropriation	\$	140,135,000
Puget Sound Capital Construction Account—		
Federal Appropriation	\$	29,575,000
Passenger Ferry Account—State Appropriation	\$	789,000
Motor Vehicle Account—State Appropriation	\$	116,221,000
TOTAL APPROPRIATION	\$	286,720,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriations in this section, unless otherwise specified, are provided to carry out only the projects in the Washington state ferries capital program plan - version 3. The department shall reconcile the 1997-99 capital expenditures within ninety days of the end of the biennium and submit a final report to the senate transportation committee, the house of representatives transportation committee, and the office of financial management.

(2) The Puget Sound capital construction account—state appropriation includes \$27,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for preliminary engineering activities to develop a new class of auto/passenger ferries. The design specifications for the vessels shall require that the vessels deliver optimal performance in terms of vessel speed, safety, reliability, and minimization of environmental impacts including damage on the shoreline from the wake of the vessels. The vessels are intended to ensure Washington state ferries compliance with applicable international and domestic vessel safety standards and the Americans with disabilities act on identified routes. This class of ferries should have a single ndaptable design able to operate efficiently and effectively on different ferry routes, each of which has specific vessel capacity and handling requirements. These vessels are intended to relieve existing and projected vehicular traffic demand on congested routes such as, but not limited to, Seattle/Bremerton, Fauntleroy/Southworth, and Port Townsend/Keystone.

(a) Washington state ferries shall prepare:

(i) A conceptual design outlining the owner's functional requirements;

(ii) A design report that includes a budget estimate and outline of specifications and plans;

(iii) Specific contractual requirements and specifications;

(iv) An evaluation of using the request for proposals process in accordance with RCW 47.56.030;

(v) A request for interest to provide a propulsion system for this vessel class; and

(vi) An exploration of a public private partnership between Washington state ferries, shipbuilders, and their supporting engineering firms for design and construction of the vessel or vessels.

(b) Washington state ferries shall report to the legislature by December 1, 1999, on the conceptual design criteria and budget estimates for preferred hull design and propulsion system/engine alternatives. The report shall include recommended statutory changes that the legislature would need to enact in order to proceed with acquisition of this class of vessels.

(4) The motor vehicle account—state appropriation includes \$110,729,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) The department shall structure the request for proposal for the purchase of passenger-only ferries authorized under RCW 47.60.652 to include the purchase of a fifth back-up ferry to support maintenance schedules, emergency service needs, and provide continuity of service on all passenger-only ferry routes. The purchase of a fifth passenger-only ferry is subject to subsequent legislative appropriation.

*Sec. 228 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Marine Operating Account—State Appropriation \$ 303,014,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of \$29,104,000 for vessel operating fuel in the 1999-2001 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1999-2001 biennium may not exceed \$205,640,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$341.75 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary

increases during the 1999-2001 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1999, and thereafter, as established in the 1999-2001 general fund operating budget.

(3) Up to \$2,770,000 of the marine operating account—state appropriation may be used for leasing and operating an appropriate passenger only ferry vessel for the purpose of supporting existing, or testing new, passenger only service while testing alternative vessel technologies.

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y

Essential Rail Assistance Account—

State Appropriation \$ 85,000

High Capacity Transportation Account—

State Appropriation \$ 15,094,000

Transportation Account—State Appropriation \$ 95,915,000

Transportation Account—Federal Appropriation \$ 10,000,000

Public Transportation Systems Account—

State Appropriation \$ 5,000,000

TOTAL APPROPRIATION \$ 126,094,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) No appropriation in this section may be used to fund rail passenger service south of Portland, Oregon.

(2) \$2,000,000 of the transportation account—state appropriation and \$4,000,000 of the high capacity transportation account—state appropriation are provided solely for the freight rail assistance program to provide grants and loans for light density rail lines.

(3) \$3,000,000 of the high capacity transportation account—state appropriation is provided solely for acquisition of up to six rail passenger cars to add capacity to existing advanced technology train sets operating in Washington state.

(4) \$6,298,000 of the high capacity transportation account—state appropriation is provided to fund the operation of a second train set providing additional roundtrip service from Seattle to Vancouver, British Columbia. The department's authority to expend the appropriation referenced in this subsection for service north of Blaine is conditioned upon Canada, the province of British Columbia, and/or private sources undertaking the capital expenditures necessary to make the rail

capital improvements required to facilitate improved round trip rail service between Seattle and Vancouver, B.C.

(5) \$10,000,000 of the transportation account—state appropriation and \$5,000,000 of the public transportation systems account—state appropriation are provided solely for the King street maintenance facility to be built in partnership with Amtrak. The amount referenced in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, sound transit, and other participating parties which will assure that the maintenance and operation of the maintenance facility will not require state funding, except for billings for maintenance of state owned passenger trains.

(6) To the greatest extent practicable, expenditure of funds shall maximize funds from partnerships and coordinate with other agencies investing in track improvements.

(7) \$5,000,000 of the transportation account—federal appropriation is provided from TEA-21 surface transportation program enhancement funds is provided solely for restoration of and improvements to the King Street station.

***NEW SECTION. Sec. 231. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z**

Motor Vehicle Account—State Appropriation	\$	129,886,000
Motor Vehicle Account—Federal Appropriation	\$	8,040,000
Transportation Account—State Appropriation	\$	10,767,000
Transportation Infrastructure Account—State Appropriation	\$	3,250,000
Transportation Infrastructure Account— Private/Local Appropriation	\$	1,750,000
High Capacity Transportation Account—State Appropriation	\$	150,000
Highway Infrastructure Account—Federal Appropriation	\$	1,500,000
Highway Infrastructure Account—State Appropriation	\$	234,000
TOTAL APPROPRIATION	\$	155,577,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$300,000 of the transportation account—state appropriation is provided solely to establish alternatives for flood management and flood hazard reduction projects in the Chehalis basin.

(a) The department of transportation shall convene a technical committee to develop watershed-based solutions to flooding within the Chehalis basin. The technical committee shall be comprised of representatives of the department of transportation, department of ecology, department of fish and wildlife, the department of community, trade, and economic development, the military department's emergency management division, and affected counties and tribes.

The department of transportation shall also seek the participation of the United States army corps of engineers, federal emergency management administration, the United States geological survey, the United States fish and wildlife service, the United States environmental protection agency, and other entities with critical knowledge related to the structural or nonstructural flood hazard reduction projects in the Chehalis basin. Funds shall be distributed by the department of transportation for alternative analysis, mapping, and model testing projects as recommended by the technical committee. The solutions considered by the technical committee shall be consistent with fish and habitat recovery efforts and avoid additional flood hazard to downstream communities. The department of transportation shall present a report to the senate transportation committee and the house of representatives transportation committee by December 1, 1999, regarding findings and progress made by funded projects.

(b) If the federal government makes funds available to accomplish the project described in (a) of this subsection, the department of transportation shall place the appropriation identified in this section in reserve.

(2) \$85,121,000 of the motor vehicle account—state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board. *Notwithstanding RCW 79.91.100, between July 1, 1999, and June 30, 2001, the department of natural resources shall execute and deliver an instrument granting an easement to cities, towns, and counties who request an easement for roadway purposes, including the right to make necessary fills, on, over, or across the beds of navigable waters if those easements are necessary to facilitate the construction of projects funded in whole or part by a portion of the appropriation referenced in this subsection. The department of natural resources shall not charge the city, town, or county for the easement except as necessary to recover reasonable administrative costs.* The amount provided in this subsection can only be expended upon authorization from the freight mobility strategic investment board.

(3) \$400,000 of the transportation account—state appropriation is provided solely for a study by the senate transportation committee and the house of representatives transportation committee in cooperation with the port of Benton developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund—state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

(4) The motor vehicle account—state appropriation includes \$105,121,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(5) \$10,000,000 of the transportation account—state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the

appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(6) The motor vehicle account—state appropriation includes \$1,167,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a small city pavement preservation program, to be administered by the department's TransAid division. The department, in consultation with stakeholders, shall establish program guidelines. The guidelines should include but not be limited to a provision limiting program eligibility to cities with a population of 2,500 or less.

(8) \$20,000,000 of the motor vehicle account—state appropriation is provided solely for a county corridor congestion relief program, to be administered by the department's TransAid division. The purpose of the program is to provide funding for congested urban corridors, as defined and selected by the department of transportation in consultation with counties, regional transportation planning organizations, and the transportation improvement board. At a minimum, project selection criteria should include: Consistency with regional transportation plans; measurable improvements in mobility; cost effectiveness; systemic corridor mobility improvements rather than isolated "spot" improvements; and optimal timing for construction.

(9) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for improving traffic and pedestrian safety near schools. The TransAid division within the department of transportation shall administer this program. Funds should be used for traffic and pedestrian improvements near schools, including roadway channelization and signalization.

(10) The TransAid division within the department of transportation shall develop a prequalification procedure for potential bidders on projects administered or approved by the transportation improvement board. The board shall work with other interested parties including but not limited to associations representing general contractors and the office of minority and women's business enterprises. The prequalification procedure's goal is to ascertain that bidders are qualified by experience, financing, equipment, and organization to do the work called for in the contract documents. The prequalification procedure may require a bidder to (1) satisfy threshold requirements established by the board prior to being furnished a proposal form on any contract; or (2) complete a preaward survey of the bidder's qualification prior to award.

(11) Up to \$100,000 of the motor vehicle account—state appropriation is provided solely for audits of city and county transportation funding to determine

whether any city or county has supplanted its local transportation funding with state funding provided under sections 408 and 409 of this act. The department shall report the results of this audit to the senate transportation committee, the house of representatives transportation committee, and the office of financial management by December 31, 2000.

(12) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for city fish passage barrier removal and habitat restoration. Funds should be used for eliminating fish passage barriers, including stormwater facilities, and providing for habitat restoration for salmonid species that are listed as threatened or endangered. The amount provided in this section may only be expended upon authorization from the department of transportation's environmental affairs office. *Sec. 231 was partially vetoed. See message at end of chapter.

PART III

TRANSPORTATION AGENCIES CAPITAL FACILITIES

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL
Appropriation:

State Patrol Highway Account—State	
Appropriation	\$ 2,328,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$508,000 of the state patrol highway account—state appropriation funds minor works which include communication tower maintenance, Spokane district headquarters HVAC, Morton HVAC replacement, emergency repairs, and Anacortes scale repairs.

(2) \$500,000 of the state patrol highway account—state appropriation is provided for the Naselle detachment office.

(3) \$615,000 of the state patrol highway account—state appropriation is provided for repaving the academy drive course.

(4) \$275,000 of the state patrol highway account—state appropriation is provided for the squawk mountain communication tower.

(5) \$380,000 of the state patrol highway account—state appropriation is provided for the replacement of two traffic control aircraft.

(6) \$50,000 of the state patrol highway account—state appropriation is provided for the Ridgefield expansion design and the academy hookup fee for waste treatment.

NEW SECTION. Sec. 302. The Washington state patrol is authorized to continue with the exchange of the Olympia, Washington Martin Way property for a light industrial land complex to be used to consolidate existing separately located state activities and functions. The agency will work with the office of financial management, department of general administration, the senate transportation committee, and the house of representatives transportation committee in the exchange and approval processes.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation \$ 26,147,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Before any funds are expended for the transportation facility to be located in Tunwater, Washington, the director of general administration shall conduct an evaluation of the planned facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement as required under RCW 43.82.010(10). Furthermore, the director shall present the findings of the evaluation to the fiscal committees of the house of representatives and the senate by December 31, 1999. Up to \$100,000 of the motor vehicle account—state appropriation may be expended by the department of general administration to conduct an analysis of future transportation-related facility office space needs in Thurston county, by agency, for the next ten years. The analysis shall consult with state agencies, private developers, and building owners to determine the inventory of space available and planned over the next ten years in government and nongovernment buildings, and the impact on current office space. The analysis must be completed by January 31, 2000.

(2) The department of transportation is authorized to enter into a financing contract using certificate of participation in the amount of \$14,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire and remodel a regional complex in the department's southwest region.

**PART IV
TRANSFERS AND DISTRIBUTIONS**

NEW SECTION. Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	\$	184,810,000
Ferry Bond Retirement Account Appropriation	\$	53,353,000
Transportation Improvement Board Bond Retirement Account—State Appropriation	\$	35,158,000
Puget Sound Capital Construction Account—State Appropriation	\$	270,000
Motor Vehicle Account—State Appropriation	\$	6,543,000
Special Category C Account—State Appropriation	\$	405,000
TOTAL APPROPRIATION	\$	280,539,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Fund—Puget Sound Capital Construction		
Account Appropriation	\$	36,000
Motor Vehicle Account—State Appropriation	\$	811,000
Special Category C Account Appropriation	\$	53,000
TOTAL APPROPRIATION	\$	900,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution		
	\$	492,721,000
Transportation Fund Appropriation for motor vehicle excise tax distribution		
	\$	491,606,000

NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—TRANSFERS

Motor Vehicle Fund—State Patrol Highway Account: For transfer to the Department of Retirement Systems Expense Fund		
	\$	171,000

NEW SECTION. Sec. 405. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 406. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 407. FOR THE STATE TREASURER—TRANSFERS

(1) RV Account—State Appropriation: For transfer to the Motor Vehicle Fund—State		
	\$	1,590,000
(2) Transportation Account—State Appropriation: For transfer to the Transportation Infrastructure Account—State		
	\$	5,000,000

The department of transportation shall only transfer funds provided under this subsection on an as-needed basis.

NEW SECTION. Sec. 408. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Fund—State Appropriation		
for distribution to the cities	\$	18,250,000
Motor Vehicle Fund—State Appropriation		
for distribution to the counties	\$	10,000,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund—state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2000. The motor vehicle fund—state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2000. If the voters of this state pass an initiative that eliminates or reduces the motor vehicle excise tax authorized under RCW 82.44.020, the appropriations in this section shall lapse.

(2) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

NEW SECTION. Sec. 409. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Fund—State Appropriation		
for distribution to the cities	\$	19,580,000
Motor Vehicle Fund—State Appropriation		
for distribution to the counties	\$	10,000,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund—state appropriation for distribution to cities is provided solely to be distributed to cities with a population of over two thousand five hundred in a manner consistent with RCW 46.68.110(4) in one distribution on March 1, 2001. The motor vehicle fund—state appropriation for distribution to the counties is provided solely to be distributed in a manner consistent with RCW 46.68.122 in one distribution on March 1, 2001. If the voters of this state pass an initiative that eliminates or reduces the motor vehicle excise tax authorized under RCW 82.44.020, the appropriations in this section shall lapse.

(2) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

NEW SECTION. Sec. 410. The office of the state treasurer is authorized to transfer any transportation improvement account and urban arterial trust account balances available in the highway bond retirement account into the transportation improvement board bond retirement account following a cooperative agreement by the department of transportation and the transportation improvement board on the exact amount of the transfer.

NEW SECTION. Sec. 411. The motor vehicle account revenues are received at a relatively even flow throughout the year. Expenditures may exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The governor and the legislature recognize that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 412. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective transportation funds and accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSFERS. The department of transportation shall make the following transfers contingent on passage of the bills referenced in each proviso as identified by bill number in the form passed by the legislature:

(1) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the economic development account and the transportation capital facilities account to the motor vehicle account—state; and

(b) The balance remaining at the close of fiscal year 2000 in the marine operating account to the Puget Sound ferry operations account.

(2) If neither Senate Bill No. 5615 nor House Bill No. 1588 is enacted in the form passed by the legislature the department of transportation is authorized to transfer any balances available in the highway construction stabilization account to the motor vehicle account to fund the appropriations contained in this act.

NEW SECTION. Sec. 414. FOR THE TRANSPORTATION IMPROVEMENT BOARD—TRANSFERS. The transportation improvement board shall make the following transfers contingent on passage of the bills referenced in each proviso as enacted in the form passed by the legislature:

(1) If Senate Bill No. 5360 or House Bill No. 1053 is enacted in the form passed by the legislature the transportation improvement board shall transfer the

balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account.

(2) If Senate Bill No. 5615 or House Bill No. 1588 is enacted in the form passed by the legislature the transportation improvement board shall transfer:

(a) The balances remaining at the close of the 1997-99 biennium in the small city account and the city hardship assistance account to the urban arterial trust account; and

(b) The balance remaining at the close of the 1997-99 biennium in the central Puget Sound public transportation systems account to the public transportation systems account.

**PART V
1997-99 SUPPLEMENTAL APPROPRIATIONS**

Transportation Agencies

Sec. 501. 1997 c 457 s 204 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION IMPROVEMENT BOARD

Motor Vehicle Fund—Urban Arterial Trust Account—	
State Appropriation	\$ 57,159,000
Motor Vehicle Fund—Transportation Improvement	
Account—State Appropriation	\$ 122,014,000
Motor Vehicle Fund—City Hardship Assistance	
Account—State Appropriation	\$ 2,649,000
Motor Vehicle Fund—Small City Account—	
State Appropriation	\$ ((7,921,000))
	<u>9,921,000</u>
Central Puget Sound Public Transportation	
Account—State Appropriation	\$ 27,360,000
Public Transportation Systems Account—	
State Appropriation	\$ 3,928,000
TOTAL APPROPRIATION	\$ ((221,031,000))
	<u>223,031,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: The transportation improvement account—state appropriation includes \$40,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. However, the transportation improvement board may authorize the use of current revenues available in lieu of bond proceeds.

Sec. 502. 1998 c 348 s 203 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL—FIELD OPERATIONS BUREAU

Motor Vehicle Fund—State Patrol Highway Account—	
State Appropriation	\$ ((163,789,000))
	<u>166,035,000</u>

Motor Vehicle Fund—State Patrol Highway Account—	
Federal Appropriation	\$ ((4,374,000))
	<u>4,688,000</u>
Motor Vehicle Fund—State Patrol Highway Account—	
Local Appropriation	\$ 170,000
Transportation Fund—State Appropriation	\$ 4,522,000
TOTAL APPROPRIATION	\$ ((172,855,000))
	<u>175,415,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The Washington state patrol is authorized to use the federal community oriented policing program (COPS) for 54 troopers with 18 COPS troopers to begin in July 1998 and 36 COPS troopers to begin in January 1999.

(2) \$4,463,000 of the transportation fund—state appropriation and \$3,737,000 of the motor vehicle fund—state patrol highway account—state appropriation are provided for an equalization salary adjustment of three percent on July 1, 1997, and six percent on July 1, 1998, for commissioned officers (entry level trooper through captain), commercial vehicle enforcement officers, and communication officers of the Washington state patrol. The salary adjustments are intended to bring the existing salary levels into the fiftieth percentile of other Washington state law enforcement compensation plans. This is in addition to the salary increase contained in the omnibus appropriation bill or bills. The total of the two increases, in the transportation budget and omnibus appropriation bill or bills, may not exceed twelve percent.

(3) The Washington state patrol will develop a vehicle replacement plan for the next six years. The plan will include an analysis of the current 100,000 miles replacement policy and agency assignment policy. Projected future budget requirements will include forecasts of vehicle replacement costs, vehicle equipment costs, and estimated surplus vehicle values when sold at auction.

(4) The Washington state patrol vessel and terminal security (VATS) program will be funded by the state patrol highway fund beginning July 1, 1997, and into future biennia.

(5) A personnel data base will be maintained of the 801 commissioned traffic law enforcement officers, with a reconciliation at all times to the patrol allocation model and a vehicle assignment and replacement plan.

(6) \$150,000 of the state patrol highway account appropriation is to fund the Washington state patrol's portion of the drug recognition expert training program previously funded by the traffic safety commission.

(7) The Washington state patrol with legislative transportation committee staff will perform an interim study of the Washington state patrol's commercial vehicle enforcement program with a report to be presented to the legislature and office of financial management in January 1998 with a developed business plan and

program recommendations which includes, but is not limited to, weigh in motion technologies.

(8)(a) The Washington state patrol, in consultation with the Washington traffic safety commission, shall conduct an analysis of the most effective safety devices for preventing accidents while delivery trucks are operating in reverse gear. The analysis shall focus on trucks equipped with cube-style, walk-in cargo boxes, up to eighteen feet long, that are most commonly used in the commercial delivery of goods and services.

(b) The state patrol shall incorporate research and analysis currently being conducted by the national highway traffic safety administration.

(c) Upon completion of the analysis, the state patrol shall forward its recommendations to the legislative transportation committee and office of financial management.

(9) \$381,000 of the transportation fund—state appropriation is provided for the following traditional general fund purposes: The governor's air travel, the license fraud program, and the special services unit. This transportation fund—state appropriation is not a permanent funding source for these purposes.

(10) \$461,000 of the state patrol highway account appropriation is provided solely for monitoring and stopping fuel tax evasion. The Washington state patrol will report on December 1, 1998, to the legislative transportation committee on the activities and revenue collected associated with fuel tax evasion.

(11) \$289,000 of the state patrol highway account appropriation is provided solely for vehicle license fraud investigation. A report will be presented each session to the legislature on the activities and revenue collected by the vehicle license fraud unit.

(12) \$268,000 of the motor vehicle fund—state patrol highway account is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(13) \$105,000 of the motor vehicle fund—state patrol highway account—state appropriation and \$314,000 of the motor vehicle fund—state patrol highway account—federal appropriation are provided solely for laptop personal computers, peripheral equipment, and necessary software for existing community oriented policing program (COPS) troopers.

(14) \$2,300,000 of the motor vehicle fund—state patrol highway account—state appropriation is provided solely to purchase 100 equipped pursuit vehicles. If the transportation fund—state appropriation reduction described in section 503(9) of this act does not take place, the amount provided in this subsection shall lapse. If the state patrol does not purchase the vehicles prior to June 30, 1999, the amount provided in this subsection shall lapse.

Sec. 503. 1998 c 348 s 205 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL—SUPPORT SERVICES BUREAU

Motor Vehicle Fund—State Patrol Highway Account—	
State Appropriation	\$ 52,926,000
Motor Vehicle Fund—State Patrol Highway Account—	
Federal Appropriation	\$ 104,000
Transportation Fund—State Appropriation	\$ ((2,513,000))
	<u>214,000</u>
TOTAL APPROPRIATION	\$ ((55,543,000))
	<u>53,244,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$1,017,000 for the state patrol highway account—state appropriation is provided solely for year 2000 conversions of transportation automated systems. For purposes of this subsection, transportation automated systems does not include WASIS and WACIS.

(2) \$50,000 of the state patrol highway account—state appropriation is provided solely for a feasibility study to assess the effect of mobile computers on trooper productivity by type of service and measurement of the productivity gains achieved through reduction in administrative time and paperwork processing. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(3) \$50,000 of the state patrol highway account—state appropriation is provided solely for a review of the feasibility of improving the patrol's computer-aided dispatch system to permit tracking of trooper availability and response time to calls for service. The agency shall submit a copy of the proposed study workplan to the office of financial management, the department of information services, and the legislative transportation committee no later than October 1, 1997. A final report shall be submitted to the legislative transportation committee, the office of financial management, and the department of information services no later than January 31, 1998. This project is subject to the provisions of section 502 of this act.

(4) These appropriations maintain current level funding for the Washington state patrol service center and have no budget savings included for a consolidation of service centers based on the study conducted by the technology management group. During the 1997 interim, the costs for current level will be reviewed by the office of financial management and department of information services with a formal data center recommendation, that has been approved by the information

services board, to the legislature in January 1998. Current level funding will be split between fiscal year 1998 and fiscal year 1999 with consideration of funding adjustments based on the review and the formal policy and budget recommendations.

(5) \$2,513,000 of the transportation fund—state appropriation is for the following traditional general fund purposes: The executive protection unit, revolving fund charges, budget and fiscal services, computer services, personnel, human resources, administrative services, and property management. This appropriation is not a permanent funding source for these purposes.

(6) \$22,000 of the motor vehicle fund—state patrol highway account appropriation is provided solely to cover the employer's share of medicare premiums for commissioned officers hired prior to 1986. If a referendum of these officers does not receive majority support this appropriation shall not be expended by the state patrol.

(7) The 1998 Washington state patrol interim working group shall review the data center, electronic services division, communications division, and strategic planning and shall provide recommendations on increasing the effectiveness and efficiencies of the programs under review and audit.

(8) \$1,580,000 of the state patrol highway account—state appropriation is provided solely for the transition of the Washington state patrol mainframe data processing functions to the Washington state department of information services data center in Olympia, Washington. The Washington state patrol and the department of information services shall work cooperatively to ensure the transition to the department of information services is completed successfully.

(9) The transportation fund—state appropriation is reduced by \$2,299,000 to correct a double appropriation.

Sec. 504. 1998 c 348 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

Highway Safety Fund—Motorcycle Safety Education

Account—State Appropriation	\$	94,000
General Fund—Wildlife Account—State Appropriation	\$	42,000
Highway Safety Fund—State Appropriation	\$	((10,732,000))
		<u>8,218,000</u>
Motor Vehicle Fund—State Appropriation	\$	((5,610,000))
		<u>4,735,000</u>
Transportation Fund—State Appropriation	\$	441,000
TOTAL APPROPRIATION	\$	((16,919,000))
		<u>13,530,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: ~~((+))~~ \$2,498,000 of the highway safety fund—state appropriation and \$793,000 of the motor vehicle fund—state appropriation are provided for the following activities:

(1) Identify business objectives and needs relating to technology improvements and integration of the drivers' licensing and vehicle title and registrations systems; (2) converting the drivers' licensing software applications to achieve Year 2000 compliance; (3) convert the drivers' field network from a uniscope to a frame-relay network; (4) develop an interface between the unisys system and the CRASH system; and (5) operate and maintain the highways-licensing building network and the drivers' field network.

Sec. 505. 1998 c 348 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

General Fund—Marine Fuel Tax Refund Account—

State Appropriation \$ 26,000

General Fund—Wildlife Account—State

Appropriation \$ 549,000

Motor Vehicle Fund—State Appropriation \$ ((49,630,000))

49,615,000

Department of Licensing Services Account—

State Appropriation \$ 2,944,000

TOTAL APPROPRIATION \$ ((53,149,000))

53,134,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$600,000 of the licensing service account—state appropriation is provided for replacement of printers for county auditors and subagents.

(2) The department of licensing, in cooperation with the fuel tax advisory committee, shall prepare and submit a report to the legislative transportation committee containing recommendations for special fuel and motor vehicle fuel recordkeeping and reporting requirements, including but not limited to recommendations regarding the form and manner in which records and tax reports must be maintained and made available to the department; which persons engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering fuel should be required to submit periodic reports regarding the disposition of such fuel; and the feasibility of implementing an automated fuel tracking system. The report is due no later than October 31, 1997.

(3) The department of licensing, in cooperation with representatives of local governments and the department of revenue shall analyze the collection of the local option fuel tax under RCW 82.80.010. Based on that analysis the department of licensing shall offer recommendations regarding the appropriate government entity to collect the local option fuel tax and the best method to accomplish that collection. The department of licensing shall report its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(4) The department of licensing, in conjunction with the interagency commission on outdoor recreation, the department of transportation, and other affected entities, shall conduct a study and make recommendations regarding:

(a) Whether the study required by RCW 43.99.030 to determine what portion of the motor vehicle fuel tax collected is tax on marine fuel is an effective and efficient mechanism for determining what portion of fuel tax revenues should be refunded to the marine fuel tax refund account;

(b) Other possible methodologies for determining the appropriate amount of tax revenue to refund from the motor vehicle fund to the marine tax refund account; and

(c) Whether the tax on fuel used by illegally nonregistered boats should be refunded to the marine tax refund account.

The department of licensing shall make a report of its findings and recommendations to the legislative transportation committee and the office of financial management by December 1, 1998.

(5) \$382,000 of the motor vehicle fund—state appropriation is provided solely to implement Substitute House Bill No. 2659. If Substitute House Bill No. 2659 is not enacted by June 30, 1998, this amount shall lapse.

Sec. 506. 1998 c 348 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

Highway Safety Fund—Motorcycle Safety Education

Account—State Appropriation	\$	1,411,000
Highway Safety Fund—State Appropriation	\$	((61,087,000))
		<u>59,869,000</u>
Transportation Fund—State Appropriation	\$	4,985,000
TOTAL APPROPRIATION	\$	((64,112,000))
		<u>66,265,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$225,000 of the highway safety account—state appropriation is provided solely to implement Substitute House Bill No. 2442 or Senate Bill No. 6190. If neither bill is enacted by June 30, 1998, this amount shall lapse.

(2) \$480,000 of the highway safety account—state appropriation is provided solely to implement Senate Bill No. 6165. If Senate Bill No. 6165 is not enacted by June 30, 1998, this amount shall lapse.

~~((6))~~ (3) \$1,000,000 of the highway safety account—state appropriation is provided solely to implement 1998 legislation that changes statutes relating to driving under the influence. If legislation changing the DUI statutes is not enacted by June 30, 1998, this amount shall lapse.

Sec. 507. 1997 c 457 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MANAGEMENT AND FACILITIES—PROGRAM D—OPERATING

Motor Vehicle Fund—State Appropriation	\$	((24,703,000))
		<u>24,436,000</u>
Motor Vehicle Fund—Federal Appropriation	\$	400,000
Motor Vehicle Fund—Transportation Capital Facilities Account—State Appropriation	\$	((24,338,000))
		<u>24,330,000</u>
TOTAL APPROPRIATION	\$	((49,441,000))
		<u>49,166,000</u>

Sec. 508, 1998 c 348 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Motor Vehicle Fund—Economic Development Account— State Appropriation	\$	2,434,000
Motor Vehicle Fund—State Appropriation	\$	((163,275,000))
		<u>123,575,000</u>
Motor Vehicle Fund—Federal Appropriation	\$	155,485,000
Motor Vehicle Fund—Private/Local Appropriation	\$	40,000,000
Special Category C Account—State Appropriation	\$	((73,271,000))
		<u>65,471,000</u>
Transportation Fund—State Appropriation	\$	((230,546,000))
		<u>225,546,000</u>
Puyallup Tribal Settlement Account—State Appropriation	\$	5,000,000
Puyallup Tribal Settlement Account—Private/Local Appropriation	\$	200,000
High Capacity Transportation Account—State Appropriation	\$	1,401,000
TOTAL APPROPRIATION	\$	((671,612,000))
		<u>619,112,000</u>

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account—state appropriation of ~~((73,271,000))~~ \$65,471,000 includes \$26,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 ~~((and includes \$12,000,000 in proceeds from the sale of bonds authorized by House Bill No. 1012))~~. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. ~~((If House Bill No. 1012 is not enacted by June 30, 1998, \$7,800,000 of the special category C account—state appropriation shall lapse.))~~

(2) The motor vehicle fund—state appropriation includes \$2,685,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1) for match on federal demonstration projects. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The department shall report annually to the legislative transportation committee on the status of the projects funded by the special category C appropriations contained in this section. The report shall be submitted by January 1 of each year.

(4) The motor vehicle fund—state appropriation in this section includes \$600,000 solely for a rest area and information facility in the Nisqually gateway area to Mt. Rainier, provided that at least forty percent of the total project costs are provided from federal, local, or private sources. The contributions from the nonstate sources may be in the form of in-kind contributions including, but not limited to, donations of property and services.

(5) The appropriations in this section contain \$118,247,000 reappropriation from the 1995-97 biennium.

(6) The motor vehicle fund—state appropriation in this section includes \$250,000 to establish a wetland mitigation pilot project. This appropriation may only be expended if the department of transportation establishes a technical committee to better implement the department's strategic plan. The technical committee shall include, but is not limited to, cities, counties, environmental groups, business groups, tribes, the Puget Sound action team, and the state departments of ecology, fish and wildlife, and community, trade, and economic development, and appropriate federal agencies. The committee shall assist the department in implementing its wetland strategic plan, including working to eliminate barriers to improved wetland and watershed management. To this end, the technical committee shall: (a) Work to facilitate sharing of agency environmental data, including evaluation of off-site and out-of-kind mitigation options; (b) develop agreed-upon guidance that will enable the preservation of wetlands that are under imminent threat from development for use as an acceptable mitigation option; (c) develop strategies that will facilitate the implementation of mitigation banking, including developing mechanisms for valuing and transferring credits; (d) provide input in the development of wetland functions assessment protocols related to transportation projects; (e) develop incentives for interagency participation in joint mitigation projects within watersheds; and (f) explore options for funding environmental mitigation strategies. The department shall prepare an annual report to the legislative transportation committee and legislative natural resources committees on recommendations developed by the technical committee.

(7) The department shall report January 1st and July 1st of each year, to the legislative transportation committee and the office of financial management of the timing and the scope of work being performed for the regional transit authority.

This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(8) The translake study funded in this section shall include recommendations to address methods for mitigating traffic noise in the study area.

(9) Funding for the SR 509 project extending south and east from south 188th street in King county is contingent on the development of a proposal linking the project to other freight corridors and a funding plan with participation from partners of the state that are agreed to by the legislative transportation committee and the governor.

(10) The motor vehicle account—federal appropriation in this section is transferrable to the transportation account to ensure efficient funds management and program delivery.

(11) \$2,000,000 of the motor vehicle fund—state appropriation is provided solely for transfer to the advanced environmental mitigation revolving account—state.

~~((14))~~ (12) \$13,000,000 of the motor vehicle fund—state appropriation and \$12,000,000 of the transportation fund—state appropriation are provided solely for preliminary engineering and purchase of right of way for highway construction.

~~((15) \$35,000,000 of the motor vehicle fund state appropriation is conditioned upon voter approval of a referendum on a state wide ballot that provides funding for transportation purposes. If the voters approve such a referendum, \$35,000,000 of the motor vehicle fund state appropriation is put in reserve solely to be used for the purposes of preliminary engineering and purchase of right of way for highway construction. These moneys may only be expended upon approval of both the legislative transportation committee and the office of financial management.))~~

(13) The department may advertise and award certain specified projects prior to June 30, 1999. This authority extends to the 10 projects listed in the transportation executive information system document titled "1999 Supplemental Budget — Spring Start Projects (Rev.)" dated March 13, 1999.

Sec. 509. 1998 c 348 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION ECONOMIC PARTNERSHIPS—PROGRAM K

Transportation Fund—State Appropriation	\$	((1,280,000))
		<u>1,255,000</u>
Motor Vehicle Fund—State Appropriation	\$	16,235,000
TOTAL APPROPRIATION	\$	((17,515,000))
		<u>17,490,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund—state appropriation includes \$16,235,000 in proceeds from the sale of bonds authorized in RCW 47.10.834 for all forms of cash contributions, or the payment of other costs incident to the location, development,

design, right of way, and construction of only the SR 16 corridor improvements and park and ride projects selected under the public-private transportation initiative program authorized under chapter 47.46 RCW; and support costs of the public-private transportation initiatives program.

(2) The appropriations in this section contain \$16,235,000 reappropriated from the 1995-97 biennium.

**Sec. 510. 1998 c 348 s 213 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY
MAINTENANCE—PROGRAM M**

Motor Vehicle Fund—State Appropriation	\$	((239,200,000))
		<u>237,013,000</u>
Motor Vehicle Fund—Federal Appropriation	\$	465,000
Motor Vehicle Fund—Private/Local Appropriation	\$	3,335,000
TOTAL APPROPRIATION	\$	((243,000,000))
		<u>240,813,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall deliver the highway maintenance program according to the plans for each major maintenance group to the extent practical. However, snow and ice expenditures are highly variable depending on actual weather conditions encountered. If extraordinary winter needs result in increased winter maintenance expenditures, the department shall, after prior consultation with the transportation commission, the office of financial management, and the legislative transportation committee adopt one or both of the following courses of action: (a) Reduce planned maintenance activities in other groups to offset the necessary increases for snow and ice control; or (b) continue delivery as planned within other major maintenance groups and request a supplemental appropriation in the following legislative session to fund the additional snow and ice control expenditures.

(3) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle fund—state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(4) Funding appropriated for local storm water charges assessed under RCW 90.03.525, which is allocated for, but not paid to, a local storm water utility because the ntility did not meet the conditions provided under RCW 90.03.525, may be transferred by the department to program Z of the department to be distributed as grants under the storm water grant program.

Sec. 511. 1998 c 348 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Motor Vehicle Fund—State Appropriation	\$	(288,720,000)
		<u>285,220,000</u>
Motor Vehicle Fund—Federal Appropriation	\$	274,259,000
Motor Vehicle Fund—Private/Local Appropriation	\$	2,400,000
TOTAL APPROPRIATION	\$	((568,379,000))
		<u>561,879,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund—state appropriation includes \$6,800,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. However, the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The appropriations in this section contain \$27,552,000 reappropriated from the 1995-97 biennium.

(3) If the Oregon state legislature enacts a public/private partnership program and the Washington state transportation commission, in consultation with the legislative transportation committee, negotiates and enters into an agreement between Washington and Oregon to place the Lewis and Clark bridge into Oregon's public/private partnership program, up to \$3,000,000 of the motor vehicle fund—state appropriation may be used as Washington's contribution toward the design of the project pursuant to the agreement between Washington and Oregon. Any additional contributions shall be subject to Washington state legislative appropriations and approvals. The department shall provide a status report on this project to the legislative transportation committee by June 30, 1998.

~~((6))~~ (4) \$630,000 of the motor vehicle fund—state appropriation is provided for slope stabilization along state route 166 in the Ross Point vicinity. This amount is intended to fund preliminary engineering, right of way acquisition, and to begin construction.

Sec. 512. 1998 c 348 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q

State Patrol Highway Account—State Appropriation	\$	153,000
Motor Vehicle Fund—State Appropriation	\$	((30,412,000))
		<u>29,982,000</u>
Motor Vehicle Fund—Federal Appropriation	\$	1,000,000
Motor Vehicle Fund—Private/Local Appropriation	\$	275,000
TOTAL APPROPRIATION	\$	((31,840,000))
		<u>31,410,000</u>

The appropriation in this section is subject to the following conditions and limitations and specified amount is provided solely for that activity:

(1) The department, in cooperation with the Washington state patrol and the tow truck industry, shall develop and submit to the legislative transportation committee by October 31, 1997, a recommendation for implementing new tow truck services during peak hours on the Puget Sound freeway system.

(2) The department, in cooperation with the Washington state patrol, the department of licensing, the state of Oregon, and the United States department of transportation, shall install and operate the commercial vehicle information systems and network (CVISN) at a selected pilot site. If the state department of transportation receives additional federal funding for this project that is eligible to supplant state funding, the appropriation in this section shall be reduced by the amount of the state funds supplanted.

Sec. 513. 1998 c 348 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

Motor Vehicle Fund—Puget Sound Capital

Construction Account—State Appropriation	\$	777,000
Motor Vehicle Fund—State Appropriation	\$	((70,032,000))
		<u>69,685,000</u>

Motor Vehicle Fund—Puget Sound Ferry Operations

Account—State Appropriation	\$	1,093,000
Transportation Fund—State Appropriation	\$	1,158,000
TOTAL APPROPRIATION	\$	((73,060,000))
		<u>72,713,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1)(a) The motor vehicle fund—state appropriation includes \$14,300,000 provided solely for programming activities and other efforts needed to bring the department's information systems, and devices with computers built into them, into compliance with the year 2000 requirements of the department of information services. The department is directed to expend the moneys internally reallocated for this purpose before spending from this appropriation. The department is directed to provide quarterly reports on this effort to the legislative transportation committee and the office of financial management beginning October 1, 1997.

(b) Up to \$2,900,000 of the amount provided in (a) of this subsection may be expended for testing and required modifications to electronic devices and other equipment and specialized software that are essential for department operations to ensure they are year 2000 compliant. Before expending any of this amount for these purposes, the department shall consult with the legislative transportation committee and the office of financial management.

(2) The legislative transportation committee shall review and analyze freight mobility issues affecting eastern and southeastern Washington as recommended by

the freight mobility advisory committee and report back to the legislature by November 1, 1997. \$500,000 of the motor vehicle fund—state appropriation is provided for this review and analysis. The funding conditioned in this subsection shall be from revenues provided for interjurisdictional studies.

(3) In order to increase visibility for decision making, the department shall review its budgeting and accounting methods for management information systems. The review shall include, but not be limited to, the cost-benefit analysis of existing processes and evaluation of less complex alternatives such as direct appropriations. The results of the review shall be reported to the legislative transportation committee and the office of financial management by July 1, 1998.

Sec. 514. 1997 c 457 s 223 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Motor Vehicle Fund—State Appropriation	\$	((16,098,000))
		<u>15,884,000</u>
Motor Vehicle Fund—Federal Appropriation	\$	10,466,000
Transportation Fund—State Appropriation	\$	((1,384,000))
		<u>1,379,000</u>
TOTAL APPROPRIATION	\$	((27,948,000))
		<u>27,729,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: Up to \$2,400,000 of the motor vehicle fund—state appropriation is provided for regional transportation planning organizations, with allocations for participating counties maintained at the 1995-1997 biennium levels for those counties not having metropolitan planning organizations within their boundaries.

Sec. 515. 1998 c 348 s 217 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

(1) **FOR PAYMENT OF COSTS OF ATTORNEY GENERAL TORT CLAIMS SUPPORT**

((Motor Vehicle Fund—State Appropriation	\$	2,515,000))
<u>Transportation Fund—State Appropriation</u>	<u>\$</u>	<u>3,715,000</u>

(2) **FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR**

Motor Vehicle Fund—State Appropriation	\$	840,000
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(3) **FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES**

Motor Vehicle Fund—State Appropriation	\$	3,391,000
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(4) **FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL**

the end of the biennium and submit a final report to the legislative transportation committee and office of financial management.

(2) The Puget Sound capital construction account—state appropriation includes \$100,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.800 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries, including construction of new jumbo ferry vessels in accordance with the requirements of RCW 47.60.770 through 47.60.778. However, the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the capital program authorized in this section.

(4) Washington state ferries is authorized to reimburse up to \$3,000,000 from the Puget Sound capital construction account—state appropriation or Puget Sound capital construction account—federal appropriation to the city of Bremerton and the port of Bremerton for Washington state ferries' financial participation in the development of a Bremerton multimodal transportation terminal, port of Bremerton passenger-only terminal expansion, and ferry vehicular connections to downtown traffic circulation improvements. The reimbursement shall specifically support the construction of the following components: Appropriate passenger-only ferry terminal linkages to accommodate bow-loading catamaran type vessels and the needed transit connections; and the Washington state ferries' component of the Bremerton multimodal transportation terminal as part of the downtown Bremerton redevelopment project, including appropriate access to the new downtown traffic circulation road network.

(5) The Puget Sound capital construction account—state appropriation includes funding for capital improvements on vessels to meet United States Coast Guard Subchapter W regulation revisions impacting SOLAS (safety of life at sea) requirements for ferry operations on the Anacortes to Sidney, B.C. ferry route.

(6) The Puget Sound capital construction account—state appropriation, the Puget Sound capital construction account—federal appropriation, and the passenger ferry account—state appropriation include funding for the construction of one new passenger-only vessel and the department's exercise of the option to build a second passenger-only vessel. In accordance with chapter 166, Laws of 1998, Washington state ferries shall accelerate activities to ensure the acquisition of five additional passenger-only vessels and the construction of related terminal facilities, including maintenance facilities for the Southworth and Kingston to Seattle passenger-only ferry routes.

(7) The Puget Sound capital construction account—state appropriation includes funding for the exploration and acquisition of a design for constructing a millennium class ferry vessel.

(8) The Puget Sound capital construction account—state appropriation includes \$90,000 for the purchase of defibrillators. At least one defibrillator shall be placed on each vessel in the ferry fleet.

(9) The appropriations in this section contain \$46,962,000 reappropriated from the 1995-97 biennium.

Sec. 517. 1998 c 348 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Marine Operating Fund—State Appropriation \$ ~~((270,522,000))~~
270,473,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of ~~((28,696,000))~~ \$27,076,000 for vessel operating fuel in the 1997-99 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 1997-99 biennium may not exceed ~~((179,095,000))~~ \$180,715,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$313.95 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 1997-99 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 1997, and thereafter, as established in the 1997-99 general fund operating budget.

(3) The department of transportation shall provide to the legislative transportation committee and office of financial management a quarterly financial report concerning the status of the operating program authorized in this section.

(4) The appropriation in this section includes up to \$1,566,000 for additional operating expenses required to comply with United States Coast Guard Subchapter W regulation revisions for vessels operating on the Anacortes to Sidney, B.C. ferry route. The department shall explore methods to minimize the cost of meeting

United States Coast Guard requirements and shall report the results to the legislative transportation committee and office of financial management by September 1, 1997.

(5) The department shall request a reduction of the costs associated with the use of the terminal leased from the Port of Anacortes and costs associated with use of the Sidney, British Columbia terminal.

(6) Agreements between Washington state ferries and concessionaires for automatic teller machines on ferry terminals or vessels shall provide for and include banks and credit unions that primarily serve the west side of Puget Sound.

(7) In the event federal funding is provided for one or more passenger-only ferry vessels for the purpose of transporting United States naval personnel, the department of transportation is authorized to acquire and construct such vessels in accordance with the authority provided in RCW 47.56.030, and the department shall establish a temporary advisory committee comprised of representatives of the Washington state ferries, transportation commission, legislative transportation committee, office of financial management, and the United States Navy to analyze and make recommendations on, at a minimum, vessel performance criteria, docking, vessel deployment, and operating issues.

(8) The appropriation provides funding for House Bill No. 2165 (paying interest on retroactive raises for ferry workers).

(9) The commission is authorized to increase Washington state ferry tariffs in excess of the fiscal growth factor, established under chapter 43.135 RCW, in fiscal year 1998 and fiscal year 1999.

(10) Funding for Anacortes to Sidney advertising is contingent upon partners meeting their commitment. In no event may the state share exceed fifty percent of the cash contribution toward the project.

(11) \$1,370,000 of this appropriation is provided solely for the Hiyu operation for Southworth/Vashon 5 days per week for 16 hours per day. Prior to placing the Hiyu in permanent service on a route between Vashon and Southworth, the Washington state ferries shall conduct a study of the impact of additional service on Vashon and Southworth and report back to the legislative transportation committee by May 15, 1998.

(12) \$446,000 of this appropriation is provided solely to provide an additional crew member on Jumbo Mark 2 ferries as required by emergency evacuation regulations adopted by the United States Coast Guard. If the Coast Guard requirement can be met without the hiring of additional staff, the portion of this appropriation provided to meet that requirement shall not be expended.

Sec. 518. 1998 c 348 s 220 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC
TRANSPORTATION AND RAIL—PROGRAM Y**
Essential Rail Assistance Account—State

Appropriation \$ 256,000

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High Capacity Transportation Account—State		
Appropriation	\$	((13,225,000))
		<u>13,185,000</u>
Air Pollution Control Account—State		
Appropriation	\$	6,290,000
Transportation Fund—State Appropriation	\$	((55,029,000))
		<u>46,858,000</u>
Transportation Fund—Federal Appropriation	\$	3,947,000
Transportation Fund—Private/Local		
Appropriation	\$	105,000
Central Puget Sound Public Transportation		
Account—State Appropriation	\$	((4,250,000))
		<u>250,000</u>
TOTAL APPROPRIATION	\$	((83,102,000))
		<u>70,891,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) Up to \$46,180,000 of the transportation fund—state appropriation is provided for intercity rail passenger service including up to \$8,000,000 for lease purchase of two advanced technology train sets with total purchase costs not to exceed \$20,000,000; up to \$1,000,000 for one spare advanced technology train power-car and other spare parts, subsidies for operating costs not to exceed \$12,000,000, to maintain service of two state contracted round trips between Seattle and Portland and one state contracted round trip between Seattle and Vancouver, British Columbia, and capital projects necessary to provide Seattle-Vancouver, British Columbia, train operating times of under 4 hours.

(2) Up to \$3,000,000 of the transportation fund—state appropriation is provided for the rural mobility program administered by the department of transportation. Priority for grants provided from this account shall be given to projects and programs that can be accomplished in the 1997-99 biennium.

(3) Up to \$600,000 of the high capacity transportation account—state appropriation is provided for rail freight coordination, technical assistance, and planning.

(4) The department shall provide biannual reports to the legislative transportation committee and office of financial management regarding the department's rail freight program. The department shall also notify the committee for project expenditures from all fund sources prior to making those expenditures. The department shall examine the ownership of grain cars and the potential for divestiture of those cars and other similar assets and report those findings to the committee prior to the 1998 legislative session.

(5) Up to \$750,000 of the transportation fund—state appropriation and up to \$250,000 of the central Puget Sound public transportation account—state appropriation are provided to fund activities relating to coordinating special needs

transportation among state and local providers. These activities may include demonstration projects, assessments of resources available versus needs, and identification of barriers to coordinating special needs transportation. The department will consult with the superintendent of public instruction, the secretary of the department of social and health services, the office of financial management, the fiscal committees of the house of representatives and senate, special needs consumers, and specialized transportation providers in meeting the goals of this subsection.

(6) The appropriations in this section contain \$4,599,000 reappropriated from the 1995-97 biennium.

(7) The high capacity transportation account—state appropriation includes \$75,000 for the department to develop a strategy and to identify how the agency would expend additional moneys to enhance the commute trip reduction program. The report would include recommendations for grant programs for employers and jurisdictions to reduce SOV usage and to provide transit incentives to meet future commute trip reduction requirements. The report is due to the legislative transportation committee by January 1, 1998.

(8) In addition to the appropriations contained in this section, the office of financial management shall release the \$2,000,000 transportation fund—state funds appropriated for the intercity rail passenger program in the 1995-97 biennium but held in reserve pursuant to section 502, chapter 165, Laws of 1996.

(9) Up to \$150,000 of the transportation fund—state appropriation is provided for the management and control of the transportation corridor known as the Milwaukee Road corridor owned by the state between Ellensburg and Lind, and to take actions necessary to allow the department to be in a position, with further legislative authorization, to begin to negotiate a franchise with a rail carrier to establish and maintain a rail line over portions of the corridor by July 1, 1999.

~~((H))~~ (10) \$4,000,000 of the high capacity transportation account—state appropriation for passenger rail infrastructure improvement is provided solely for rail improvements to add rail passenger service north of Seattle. These funds are conditioned on match of at least equal amounts from both Burlington Northern Sante Fe and Amtrak for rail line improvements and upon Amtrak purchasing an additional train set for operation in the corridor. These funds shall not be expended until authorized by the legislative transportation committee and the office of financial management; and the participation of international partners in service provided in the corridor shall be considered in such a decision.

**Sec. 519. 1998 c 348 s 221 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL
PROGRAMS—PROGRAM Z**

Motor Vehicle Fund—State Appropriation	\$	(9,802,000)
		<u>9,862,000</u>
Motor Vehicle Fund—Federal Appropriation	\$	33,726,000

High Capacity Transportation Account—

State Appropriation	\$	((650,000))
		<u>450,000</u>

Transportation Account—State Appropriation	\$	1,175,000
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TOTAL APPROPRIATION	\$	((45,353,000))
		<u>45,213,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle fund—state appropriation includes \$1,785,000 in proceeds from the sale of bonds authorized by RCW 47.10.819(1). The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) As a condition of receiving the full state subsidy in support of the Puget Island ferry, Wahkiakum county must, by December 31, 1997, increase ferry fares for passengers and vehicles by at least ten percent. If the fares are not increased to meet this requirement, the department, in determining the state subsidy after December 31, 1997, shall reduce the operating deficit by the amount that would have been generated if the ten percent fare increase had been implemented.

(3) The appropriations in this section contain \$1,750,000 reappropriated from the 1995-97 biennium.

(4) Up to \$500,000 of the high capacity transportation account—state appropriation is provided for implementation of the recommendations of the freight mobility advisory committee, and any legislation enacted resulting from those recommendations.

(5) \$175,000 of the transportation fund—state appropriation is provided solely to fund the freight mobility strategic investment board. If Second Substitute House Bill No. 2180 is not enacted by June 30, 1998, this amount shall lapse.

(6) The transportation account—state appropriation includes \$600,000 to establish alternatives for flood management and flood hazard reduction projects in the Chehalis Basin. A technical committee comprised of the department of transportation, department of ecology, the United States army corps of engineers, federal emergency management administration, United States geological survey, affected counties and tribes, and other entities with critical knowledge related to flood hazard reduction projects in the Chehalis Basin shall be formed. Funds shall be distributed to counties within the Chehalis Basin by the department of transportation for projects that further understanding of the causes of flooding and options for flood hazard reduction. Alternatives shall be consistent with fish and habitat recovery efforts. Projects funded shall be coordinated with the technical committee. The department of transportation shall present a report to the legislative transportation committee and other appropriate legislative committees regarding findings and/or progress made by funded projects by December 1, 1998.

~~((8))~~ (7) \$750,000 of the motor vehicle fund—state appropriation is provided solely for a median barrier upon the Spokane street viaduct. Use of this funding is contingent upon a commitment of funding from other partners for the remainder of the project cost.

~~((9))~~ (8) Up to \$150,000 of the high capacity transportation account—state appropriation is provided for the installation of active railroad crossing warning devices at the Sunnyside beach park entrance in Steilacoom.

~~((10))~~ (9) \$400,000 of the transportation fund—state appropriation is provided solely for a study by the legislative transportation committee, in cooperation with the port of Benton, developing a strategic corridor feasibility and master site plan for the port of Benton. If the port of Benton does not provide at least \$200,000 to fund the plan development, the transportation fund—state appropriation referenced in this subsection shall lapse and this subsection shall be null and void.

Transportation Agencies Capital Facilities

Sec. 520. 1997 c 457 s 303 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM D
(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL
Motor Vehicle Fund—Transportation Capital**

Facilities Account—State Appropriation \$ ~~((21,696,000))~~
21,261,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department of transportation shall provide to the legislative transportation committee prior notice and the latest project information at least two weeks in advance of the bid process for transportation capital facilities projects going to bid in the 1997-99 biennium.

(2) Construction of the Mount Rainier storage facility shall not commence until the department has secured an operational lease that would allow the placement of the facility on United States forest service lands near the entrance to the Mather memorial parkway.

(3) The appropriation in this section contains \$7,719,000 reappropriated from the 1995-97 biennium.

Transfers and Distributions

Sec. 521. 1998 c 348 s 402 (uncodified) is amended to read as follows:
**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST,
AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES:
FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Fund—Puget Sound Capital Construction
Account Appropriation \$ 500,000
Motor Vehicle Fund Appropriation \$ 130,000
Transportation Improvement Account Appropriation . . . \$ 200,000

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Special Category C Account Appropriation	\$	190,000
Transportation Capital Facilities Account		
Appropriation	\$	1,000
Urban Arterial Account Appropriation	\$	5,000
TOTAL APPROPRIATION	\$	((1,995,000))
		<u>1,026,000</u>

Sec. 522. 1998 c 348 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

(1) R V Account—State Appropriation:

For transfer to the Motor Vehicle Fund—State	\$	1,176,000
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(2) Motor Vehicle Fund—State Appropriation:

For transfer to the Transportation Capital Facilities		
Account—State	\$	42,569,000

~~(3) ((Small City Account—State Appropriation:~~

For transfer to the Transportation Improvement		
 Account—State	\$	7,500,000))

Motor Vehicle Fund—State Appropriation:

For transfer to the Highway Infrastructure

<u> Account—State</u>	<u>\$</u>	<u>234,000</u>
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Sec. 523. 1997 c 457 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

City Hardship Account Appropriation	\$	200,000
Motor Vehicle Fund Appropriation for motor		
vehicle fuel tax and overload penalties		
distribution	\$	471,937,000
Transportation Fund Appropriation <u>for motor vehicle</u>		
<u>excise tax distribution</u>	\$	((3,744,000))
		<u>118,747,000</u>
TOTAL APPROPRIATION	\$	((475,881,000))
		<u>590,884,000</u>

Miscellaneous

NEW SECTION. Sec. 524. A new section is added to 1997 c 457 (uncodified) to read as follows:

INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency

objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative state-wide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and state-wide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(4) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(5) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of

reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(6) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(7) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 525. The following acts or parts of acts are each repealed:

- (1) 1997 c 457 s 502;
- (2) 1997 c 457 s 514; and
- (3) 1997 c 457 s 515.

PART VI

PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

NEW SECTION. Sec. 601. As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems, in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, and temporary separation for development purposes.

Agency plans and offers shall be reviewed and monitored jointly by the department of personnel, office of financial management, and the department of retirement systems. The senate transportation committee and the house of representatives transportation committee shall also review and monitor the plans of agencies that receive funds appropriated under this act.

NEW SECTION. Sec. 602. It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such program is approved by the director of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2001, to the legislature and the office of financial management

on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state and the projected or actual net dollar and staff savings over the 1999-2001 biennium.

***NEW SECTION. Sec. 603. PERFORMANCE BASED BUDGETING.**

(1) The department of licensing, the department of transportation, the Washington state patrol, and the Washington traffic safety commission, in cooperation with the office of financial management, the senate transportation committee, and the house of representatives transportation committee will continue the implementation of performance based budgeting. The performance based budgeting process will provide a measurable link between agency objectives, service levels, and budget. The agencies shall:

(a) Continue to develop, enhance, validate, and test indicators of performance, stated in achieving the agencies' goals; and

(b) Refine performance based budgeting and investment levels in the following programs:

(i) Department of transportation: Maintenance program M, preservation program P, traffic operations program Q, and marine program X;

(ii) Department of licensing: Driver's services and vehicle services;

(iii) Washington state patrol: Field operations bureau; and

(iv) Washington traffic safety commission; and

(c) Submit and implement a plan to provide program managers with the training and technical assistance necessary to extend the practices of performance measurement and performance based budgeting throughout agency programs.

(2) The transportation agencies shall submit a strategic plan and activity summary with their agency request budgets and tie the plan's strategies together with the 2001-2003 budget requests. The strategic plan must include a six-year outlook and define and clarify the agency mission and vision, provide the basis for budget development, and outline and prioritize the agency's goals and strategies. The agencies will continue to improve agency infrastructures to capture and report performance data for use by agency management, the office of financial management, the senate transportation committee, and the house of representatives transportation committee in the decision making process.

(3)(a) The agencies shall input monthly their financial information and quarterly program performance measurements into the transportation executive information system and will utilize the transportation executive information system investment system in the development of their agency policy request budgets.

(b) The department of licensing and the Washington state patrol shall submit budgets to the legislature at the subprogram level.

**Sec. 603 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 604. **PROGRAM ACCOUNTABILITY REVIEWS.** The senate transportation committee, the house of representatives transportation committee, the office of financial management, and the transportation agencies shall establish the means of conducting program accountability reviews of all transportation programs. The reviews shall include:

(1) Review and analysis of existing programs to determine any program changes required to meet established criteria along with the list of programs to be reviewed as determined by the program accountability review steering committee made up of the senate transportation committee, the house of representatives transportation committee, the office of financial management, and agency personnel. Each review will have a plan with timelines, deliverables, and milestones to ensure it is completed on time with anticipated deliverables. Each review will have a review accountability report presented to the senate transportation committee and the house of representatives transportation committee with recommendations and implementation schedule agreed to by the reviewers and the agency program being reviewed.

(2) A concentration on:

(a) Appropriateness of service objectives used to determine service levels;

(b) Effectiveness of current management systems;

(c) Development or improvement of existing outcome, output, efficiency, and effectiveness performance measures;

(d) The effectiveness of communication and decision making within the program;

(e) Staffing levels and organizational structure, including changes to roles and responsibilities;

(f) The existence and effectiveness of oversight and control measures within the program;

(g) The process of distributing funds and staff among activities;

(h) Methods for making trade off decisions within and between programs and activities;

(i) Development of tools that assist policymakers and managers in using performance measures and investment tradeoff methods;

(j) Development of long-term investment strategies; and

(k) Other program items that would be beneficial to include in the program accountability review.

(3) The recommendations will be considered in future biennium transportation budgets in determining whether to enhance, streamline, retain, reduce, or eliminate programs based on value and benefits provided to the state.

***NEW SECTION.** Sec. 605. *(1) Forty percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for the Washington state department of transportation. Twenty-two percent of the funds available for surface transportation flexible funds available under Sections*

105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for rural economic development projects in rural counties with population densities of less than one hundred persons per square mile pro rata based on population and community empowerment zones as defined in RCW 43.63A.700. These funds shall be used for the transportation component of identified, emerging, nonspeculative economic development projects that create new employment or revitalize existing business. As required under federal law, these funds shall be administered by the Washington state department of transportation. The community economic revitalization board within the department of community, trade, and economic development shall work with local project proponents and the Washington state department of transportation to identify economic development projects with essential transportation components. The board shall make recommendations regarding funding for a project's transportation component to the Washington state transportation commission. Beginning in the fiscal year 2000, any economic development funds that are not obligated from the prior federal fiscal year by June first of each year shall be available for economic development projects state-wide in accordance with the same administration and selection process established in this subsection for rural economic development projects.

(2) Thirty-eight percent of the funds available for surface transportation flexible funds available under Sections 105(c)(2) and 133(d)(3)(A)(ii) of Title 23, United States Code are made available for the state-wide competitive program for regionally significant projects. The transportation improvement board shall be responsible for selecting projects under this program. For federal fiscal years 2000 and 2001, to be eligible, projects shall: (a) Meet the criteria established by the transportation improvement board for selecting regionally significant projects; (b) be included in a metropolitan planning organization's transportation improvement plan; (c) meet the goal of targeting funds for coordinated projects within corridors that are regionally significant; and (d) support the functioning of corridors for their full length rather than in individual spot improvements.

**Sec. 605 was vetoed. See message at end of chapter.*

Sec. 606. RCW 43.19.1906 and 1995 c 269 s 1404 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with

one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between two thousand five hundred dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between two thousand five hundred dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from two thousand five hundred to thirty-five thousand dollars shall be documented for audit purposes; and

(8) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars.

Sec. 607. RCW 88.16.090 and 1995 c 175 s 1 are each amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than

one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee as follows: For the period beginning July 1, 1995, through June 30, ((1999)) 2001, the fee shall be two thousand five hundred dollars; and for the period beginning July 1, ((1999)) 2001, the fee shall be three thousand dollars. The fees shall be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual

examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

NEW SECTION. Sec. 608. The following bills, as enacted in the form passed by the legislature, are necessary to implement portions of this act: House Bill Nos. 1053, 1147, 1304, 1466, 1588, 2201, 2245, and 2259 and Senate Bill Nos. 5060, 5283, 5360, 5605, 5615, 5955, 6030, and 6068.

Sec. 609. RCW 47.26.425 and 1999 c 94 s 21 and 1999 c . . . (SHB 1053) s 6 are each reenacted to read as follows:

Any funds required to repay the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18, chapter 317, Laws of 1977 ex. sess. or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g),

and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Sec. 610. RCW 47.26.4252 and 1999 c 94 s 22 and 1999 c . . . (SHB 1053) s 7 are each reenacted to read as follows:

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

Sec. 611. RCW 47.26.4254 and 1999 c 94 s 23 and 1999 c . . . (SHB 1053) s 8 are each reenacted and amended to read as follows:

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and that is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)((f)) (g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the transportation improvement board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall next

be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.090(1)(i) and to the counties pursuant to RCW 46.68.090(1)(j). Of the counties', cities', and towns' share of any additional amounts required in each fiscal year, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period through the first eleven months of the prior fiscal year as determined by the chairman of the transportation improvement board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

Sec. 612. RCW 47.26.505 and 1999 c 94 s 24 and 1999 c . . . (SHB 1053) s 9 are each reenacted and amended to read as follows:

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the transportation improvement account in the motor vehicle fund under RCW 46.68.090(1)(h), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the transportation improvement account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

***Sec. 613.** RCW 43.43.300 and 1965 c 8 s 43.43.300 are each amended to read as follows:

Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his or her

monthly salary(, which)). For the biennium beginning July 1, 1999, and ending June 30, 2001, the employee contribution rate for every member of a retirement system created under this chapter and: (1) Covering employees whose activities constitute a highway purpose under the eighteenth amendment (Article II, section 40) of the state Constitution; where (2) the majority of both the employer and employee contributions are funded from moneys appropriated from the state patrol highway account of the motor vehicle fund; shall be set so that the contribution rates required to fund the costs of the retirement system shall be equal for members and employers; except that in no event shall the member contribution rate exceed seven percent. If the pension funding council determines that contribution rates must exceed seven percent in order to fund the costs of the retirement system, any cost over seven percent shall be borne by the employer. The member contribution rate determined under this section shall be deducted from the compensation of each member on each and every payroll.

In the event a member severs his or her connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

*Sec. 613 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 614. The joint committee on pension policy shall study the method for setting employer and employee contribution rates for the Washington state patrol retirement system. The study shall include options for implementing a method or methods that allow both the employer and members to share the benefits from investment gains that exceed the long-term investment return assumptions adopted by the pension funding council.

NEW SECTION. Sec. 615. The legislature finds and declares that it is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient and effective transportation system. The legislature, public officials, and citizens need to know the extent to which state agencies, programs, and activities that impact the state's transportation system are achieving the purposes for which they were created.

The legislature recognizes that if it is to adequately fulfill its responsibility to provide for a balanced, efficient state-wide transportation system, it is essential to establish a joint legislative transportation committee that will provide an opportunity for members of the house of representatives and the senate to examine, develop, and oversee critical transportation policy and fiscal issues and make recommendations on such issues to the house of representatives and senate standing committees on transportation.

Sec. 616. RCW 44.40.010 and 1980 c 87 s 39 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated

and renamed the legislative transportation committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation committee. The committee shall consist of ~~((eleven))~~ twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

On the effective date of this act, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before the effective date of this act are terminated, and the committee shall hold a new election of officers.

The committee shall adopt rules and procedures for its orderly operation.

NEW SECTION. Sec. 617. A new section is added to chapter 44.40 RCW to read as follows:

The members of the legislative transportation committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation committee, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation committee [committee] staff utilization.

NEW SECTION. Sec. 618. The following acts or parts of acts are each repealed:

(1) RCW 46.68.095 (Distribution of additional state-wide taxes) and 1999 c 94 s 7, 1994 c 179 s 4, & 1990 c 42 s 103; and

(2) RCW 46.68.100 (Allocation of net tax amount in motor vehicle fund) and 1999 c 94 s 8, 1994 c 179 s 5, 1991 c 310 s 2, 1986 c 66 s 1, 1984 c 7 s 73, 1977 ex.s. c 317 s 9, 1977 c 51 s 1, 1975-'76 2nd ex.s. c 57 s 1, 1973 1st ex.s. c 124 s 1, 1972 ex.s. c 24 s 2, 1970 ex.s. c 85 s 4, 1967 ex.s. c 145 s 79, 1967 ex.s. c 83 s 8, 1961 ex.s. c 7 s 6, & 1961 c 12 s 46.68.100.

NEW SECTION. Sec. 619. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 620. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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Passed the House May 19, 1999.

Passed the Senate May 19, 1999.

Approved by the Governor May 27, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 27, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1(4)(i), (i) and (ii); 103(2); 103(4); 207(2); 210(partial); 215(1); 215(2); 215(3); 215(6); 216(3); 216(7); 219(10); 228(3); 231(2)(partial); 603; 605; and 613, Engrossed Substitute House Bill No. 1125 entitled:

"AN ACT Relating to transportation funding and appropriations;"

Engrossed Substitute House Bill No. 1125 is the state transportation budget for the upcoming biennium. I disagree with some sections and have vetoed them for the following reasons:

Section 1(4)(i), (i) and (ii), pages 2-3, lines 32 through 2 (Definitions)

The Constitution of the State of Washington, Article III, Section 12, makes clear that every act passed the Legislature shall be presented for consideration by the Governor. That section further provides that the Governor may veto less than an entire bill. The definition of "enacted in a form passed by the legislature" contained in this item effectively makes such presentation conditional upon the Governor's approval of the entire referenced bill and incorporates substantive legislation into an appropriations bill. This violates several constitutional principles, including the doctrine of separation of powers, and improperly restricts the Governor's constitutional veto power.

Section 103(2), page 4, lines 27 through 30 (Utilities and Transportation Commission)

Section 103(2) purports to impose a moratorium on the authority of the Utilities and Transportation Commission (UTC) to grant new certificates allowing auto transportation (bus) companies to operate. This subsection attempts to amend parts of 81.68 RCW without setting the amended parts forth in full. The Constitution of the State of Washington, Article II, Section 37 provides that no act shall ever be amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. Consequently, section 103(2) would not successfully amend the law. Instead it would create a conflict with 81.68 RCW. This veto removes a legal cloud that would affect pending and future applications for certificates by auto transportation companies. Despite this veto, I expect the UTC will carefully exercise its discretion in a manner that recognizes anticipated public transit service in the same areas as certificate applicants.

If the statutes are to be amended, it must be done properly through an ordinary bill, not in an appropriations act.

Section 103(4), page 4, lines 33 through 36 (Utilities and Transportation Commission)

Section 103(4) provides that the legislative transportation committees shall convene a task force to study issues related to utility siting and fee assessments on railroad rights of way. To avoid duplication, I have vetoed this subsection because the operating budget already requires the Utilities and Transportation Commission (UTC) to conduct such a study. However, in addition to consultations with the chairs and ranking minority members of the Legislature's Energy, Technology and Telecommunications Committees, I request that the UTC also consult with the chairs and ranking minority members of the Transportation Committees in both houses of the Legislature.

Section 207(2), page 9, lines 17 through 24 (Blue Ribbon Commission on Transportation)

Section 207(2) directs the Blue Ribbon Commission on Transportation to develop a modal trade-off model. While such a model may be a useful tool for transportation decision making, I have vetoed this subsection in order to provide maximum flexibility to the Commission to determine its priorities within the available dollars. The agenda for the Commission should not be dictated from Olympia. If the Commission opts to develop such a model, I expect that it will coordinate with other transportation providers who are engaged in similar analyses.

Section 210(line 33 on page 9 through line 11 on page 10) (Freight Mobility Strategic Investment Board)

The provisos in this section specify the manner in which the Freight Mobility Strategic Investment Board shall approve projects. I have vetoed these provisos because the enabling statute that created the Board established certain threshold eligibility criteria and delegated specific refinement to the Board. While the enumerated criteria match those that the Board has adopted, the Legislature has delegated this authority to the Board. This delegation is appropriate since the Board needs flexibility to adjust these criteria as it embarks on the administration of this new program.

Section 215(1), page 13, lines 4 through 8 (Department of Licensing—Vehicle Services)

Section 215(1) stipulates that the \$81,000 appropriation from the motor vehicle account-state shall lapse if Senate Bill 5000 is not enacted in the form passed by the Legislature. Senate Bill 5000 was not passed by the Legislature; therefore, I have vetoed this subsection to eliminate any possible confusion.

Section 215(2), page 13, lines 9 through 13 (Department of Licensing—Vehicle Services)

Section 215(2) stipulates that the \$273,000 appropriation from the motor vehicle account-state shall lapse if Senate Bill 5280 is not enacted in the form passed by the Legislature. Senate Bill 5280 was not passed by the Legislature; therefore, I have vetoed this subsection to eliminate any possible confusion.

Section 215(3), page 13, lines 14 through 18 (Department of Licensing—Vehicle Services)

Section 215(3) stipulates that the \$82,000 appropriation from the motor vehicle account-state shall lapse if Senate Bill 5641 is not enacted in the form passed by the Legislature. Senate Bill 5641 was not passed by the Legislature; therefore, I have vetoed this subsection to eliminate any possible confusion.

Section 215(6), page 13, lines 27 through 28 (Department of Licensing—Vehicle Services)

Section 215(6) provides that the Department of Licensing shall issue license plate emblems at the discretion of the adjutant general. Such issues are more appropriately handled in policy bills that are the subject of specific legislative debate and input by stakeholders, and give further direction to the Department of Licensing about implementation. Furthermore, neither an appropriation nor fee setting authority was provided for this purpose.

Section 216(3), page 14, lines 20 through 24 (Department of Licensing—Driver Services)

Section 216(3) stipulates that the \$610,000 highway safety fund-state appropriation shall lapse if House Bill 1147 is not enacted in the form passed by the Legislature. House Bill 1147 was not passed by the Legislature; therefore, I have vetoed this subsection to eliminate any possible confusion.

Section 216(7), page 15, lines 1 through 3 (Department of Licensing—Driver Services)

Section 216(7) stipulates that the \$335,000 highway safety fund-state appropriation shall lapse if Senate Bill 6009 is enacted in the form passed by the Legislature. Senate Bill 6009 was passed by the Legislature and I signed it into law on April 28, 1999. However, a reduction was already made to the appropriations in this section to reflect the enactment of Senate Bill 6009. It was not the intent of the Legislature to reduce the appropriation a second time; therefore, I have vetoed this subsection to nullify the second reduction.

Section 219(10), pages 17-18, lines 26 through 2 (Department of Transportation—Improvements—Program I)

Section 219(10) provides \$3,992,000 motor vehicle account-state appropriation for construction of high occupancy vehicle (HOV) lanes on State Route 16, on the eastern and western sides of the Tacoma Narrows Bridge. I have vetoed Section 219 (10) because I believe we need to finish our commitments to extend the core HOV lanes on Interstate 5 prior to embarking on these unconnected segments. Completing the HOV lanes on I-5 is critical for the success of Sound Transit's Regional Express bus component, which will take advantage of 100 continuous miles of HOV lanes on the state system.

Section 228(3), pages 24-25, lines 29 through 23 (Department of Transportation—Washington State Ferries—Program W)

Section 228(3) provides a \$1,500,000 motor vehicle account-state appropriation to develop a new class of auto/passenger ferries. I have vetoed this subsection because the need for this class of vessel has not been identified by the Washington State Ferry (WSF) system in its current revenue 10-year capital plan. It does not make sense to develop a new class of vessel now, when it is likely that the design and technology will become obsolete before construction. Additionally, WSF did not spend \$500,000 provided in the 1997 - 1999 transportation budget for the exploration and acquisition of a design for constructing a millennium class ferry vessel. In light of this, I think it is premature to commission the study. In the short-term we must focus on passenger-only ferry construction and service, and on maintaining WSF terminals, many of which were built long ago and were not designed to accommodate the types and amounts of service provided today. It is time to reverse the trend of under-investing in these terminals.

Section 231(2)(line 21 (part) through line 30 (part)), page 29 (Department of Natural Resources - Roadway Easement Authority)

This provision attempted to amend 79.91 RCW to temporarily remove part of the authority of the Department of Natural Resources (DNR). Such an amendment is more appropriately

done through an ordinary policy bill that is subject to specific legislative debate and input by stakeholders, not in an appropriations act.

The Constitution of the State of Washington, Article II, Section 37 provides that no act shall ever be amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. The Legislature may not provide sweeping amendments to RCW 79.91.100 without setting forth the section in full for amendment. Consequently, this provision would not successfully amend the law. Instead it would create a conflict with 79.91 RCW. This veto removes a legal cloud that would affect decisions by DNR regarding roadway easements. In earlier versions of this act the vetoed provision was contained in a separate section, as it normally would be. It was rolled into subsection 231(2) in an obvious attempt to preclude veto. In *Legislature v. Lowry*, the State Supreme Court cautioned against such manipulation of the designation of sections to avoid the veto power.

Section 603, pages 71-72, lines 32 through 39 (Performance Based Budgeting)

Section 603 outlines performance based budgeting requirements for the transportation agencies. While I support performance based budgeting and commend the Transportation Committees' interest, some elements of the criteria established in this section are inconsistent with current statewide budget and accounting standards. The Office of Financial Management is designated in the Budget and Accounting Act as the agency responsible for establishing budget instructions and developing and maintaining statewide financial systems. The criteria in this section would establish additional and duplicative reporting requirements for transportation agencies. The creation of two separate tracks for the analysis of financial data would make it impossible to provide consistent and connected statewide financial information. It is my expectation that agencies will continue to work with the Office of Financial Management and the Legislative fiscal committees to develop and implement uniform performance based budgeting reporting standards that will be applicable to all state agencies.

Section 605, pages 74-75, lines 5 through 6 (Surface Transportation Program Statewide Flexible fund distribution)

Section 605 enumerates a distribution scheme for expenditure of Surface Transportation Program (STP) Statewide Flexible funds. Specifically, it provides 40% to the Department of Transportation (DOT), 38% for a statewide competitive grant program and 22% for rural economic development.

I have vetoed this section in order to allow implementation of the majority recommendation of the TEA 21 (Transportation Equity Act for the 21st Century) Steering Committee. The Steering Committee recommendation divides the STP Statewide Flexible funds into four categories: (1) rural economic development (22%); (2) statewide competitive grant program (22%); (3) regions/areas (22%); and (4) DOT (34%).

With this veto the Secretary of Transportation can immediately implement the Steering Committee recommendation, to which DOT was a party, as most of these are funds now available in DOT's non-appropriated, miscellaneous transportation programs account. The Legislature has granted sufficient appropriation authority to DOT to achieve the DOT distribution, which is subject to appropriation, in other sections of this budget.

In accordance with the Steering Committee recommendation, the aforementioned distributions are for the following activities:

Rural Economic Development. This category will make funds available for transportation improvements necessary for rural economic development in counties with a population density of less than 100 people per square mile, and in urban community empowerment zones. The goal is to facilitate a rapid response to emerging economic opportunities. The Community Economic Revitalization Board (CERB) will select eligible projects, with staff support as appropriate, from DOT to facilitate distribution of the funds.

In the event that eligible economic development projects do not materialize by the time the funds must be obligated each year, the remaining funds will revert to eligible rural counties for other regional transportation needs. Project selection for reverted funds will be by the appropriate body in each county for selecting projects funded with regional surface transportation funds, typically the metropolitan planning organization (MPO) or regional transportation planning organization (RTPO).

Statewide Competitive Grant Program. This category was originally established by the State's transportation partners at the beginning of ISTEA (Intermodal Surface Transportation Efficiency Act of 1991) implementation. The Transportation Improvement Board will continue as the selection body, and will emphasize the regional significance of projects in making its decisions.

Regions/Areas. Under this category STP flexible dollars would be distributed to the appropriate body in each county that is responsible for selecting projects funded with regional surface transportation funds, typically the MPO or RTPO.

Department of Transportation. This category provides for a direct distribution to DOT.

It is important to note that DOT would be eligible to lead projects in any and all of the categories above. Historically, DOT has competed well in the statewide competitive grant program and regions/areas categories. Often an MPO's top regional priority is a project on the state's transportation system.

Section 613, page 83, lines 6 through 28. (Washington State Patrol Retirement System Contribution)

This section amends the statute prescribing the contribution rate members must pay to fund the Washington State Patrol Retirement System (WSPRS). The amendment provides that for the 1999-2001 biennium, the rate paid by employees to support their pensions should be equal to that paid by their employer. The employer rate for the biennium, already established by the state's Pension Funding Council, is zero percent. This zero rate results from the plan gradually attaining a measure of financial stability; historically over the fifty-two year life of the plan, the rate paid by the employer has averaged 19.6 percent of total payroll.

This amendment effectively postpones most payments into the WSPRS for a full two-year period, which is contrary to accepted practices for the financial management of a pension plan. Most importantly, this language would result in only those WSPRS members whose positions are funded by the state patrol highway account of the motor vehicle fund receiving the benefit of the reduced contribution rate. All other officer members (about 10 percent of the members) whose positions are funded by other sources would continue to pay the statutorily required 7 percent contribution. It is unclear what rate would be paid by members whose salaries are paid partially from the state patrol highway account and partially from other accounts.

Meanwhile, section 614 of this legislation requires the Joint Committee on Pension Policy (JCPP) to study and recommend a new method for setting employee and employer contribution rates for the WSPRS. I have vetoed section 613 in anticipation of the JCPP formulating a permanent solution to this problem, rather than supporting a temporary fix that could potentially raise questions in bond markets and other financial communities regarding the appropriateness of the state's financial management practices.

For these reasons, I have vetoed sections 1(4)(i), (i) and (ii); 103(2); 103(4); 207(2); 210(partial); 215(1); 215(2); 215(3); 215(6); 216(3); 216(7); 219(10); 228(3); 231(2)(partial); 603; 605; and 613 of Engrossed Substitute House Bill No. 1125.

With the exception of sections 1(4)(i), (i) and (ii); 103(2); 103(4); 207(2); 210(partial); 215(1); 215(2); 215(3); 215(6); 216(3); 216(7); 219(10); 228(3); 231(2)(partial); 603; 605; and 613, Engrossed Substitute House Bill No. 1125 is approved."

CHAPTER 2

[House Bill 1203]

STATE HIGHWAY BONDS

AN ACT Relating to state highway bonds; and amending RCW 47.10.812.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 47.10.812 and 1993 c 431 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of state highway improvements that are identified as special category C improvements, there shall be issued and sold upon the request of the Washington state transportation commission a total of ~~((two))~~ three hundred ~~((forty))~~ thirty million dollars of general obligation bonds of the state of Washington.

Passed the House May 17, 1999.
Passed the Senate May 18, 1999.
Approved by the Governor May 27, 1999.
Filed in Office of Secretary of State May 27, 1999.

CHAPTER 3

[Filed by Washington Citizens' Commission on Salaries for Elected Officials]
SALARIES—STATE ELECTED OFFICIALS

AN ACT Relating to salaries of elected officials; and amending RCW 43.03.011, 43.03.012, and 43.03.013.

Be it enacted by the Washington Citizens' Commission on Salaries for Elected Officials:

Sec. 1. RCW 43.03.011 and 1997 c 458 s 1 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salaries of the state elected officials of the executive branch shall be as follows:

(1) ~~((Effective September 1, 1995:~~

(a) Governor	\$ 121,000
(b) Lieutenant governor	\$ 62,700
(c) Secretary of state	\$ 64,300
(d) Treasurer	\$ 84,100
(e) Auditor	\$ 84,100
(f) Attorney general	\$ 92,000
(g) Superintendent of public instruction	\$ 86,600
(h) Commissioner of public lands	\$ 86,600
(i) Insurance commissioner	\$ 77,200

~~(2))~~ Effective September 1, 1997:

(a) Governor	\$ 121,000
(b) Lieutenant governor	\$ 62,700
(c) Secretary of state	\$ 69,000
(d) Treasurer	\$ 84,100
(e) Auditor	\$ 84,100
(f) Attorney general	\$ 93,000
(g) Superintendent of public instruction	\$ 86,600
(h) Commissioner of public lands	\$ 86,600
(i) Insurance commissioner	\$ 77,200

~~((3))~~ (2) Effective September 1, 1999:

<u>(a) Governor</u>	<u>\$ 132,000</u>
<u>(b) Lieutenant governor</u>	<u>\$ 69,000</u>
<u>(c) Secretary of state</u>	<u>\$ 75,900</u>
<u>(d) Treasurer</u>	<u>\$ 92,500</u>
<u>(e) Auditor</u>	<u>\$ 95,200</u>
<u>(f) Attorney general</u>	<u>\$ 120,000</u>
<u>(g) Superintendent of public instruction</u>	<u>\$ 94,394</u>
<u>(h) Commissioner of public lands</u>	<u>\$ 94,394</u>
<u>(i) Insurance commissioner</u>	<u>\$ 86,000</u>

(3) Effective September 1, 2000:

<u>(a) Governor</u>	<u>\$ 135,960</u>
<u>(b) Lieutenant governor</u>	<u>\$ 71,070</u>
<u>(c) Secretary of state</u>	<u>\$ 78,177</u>
<u>(d) Treasurer</u>	<u>\$ 95,275</u>
<u>(e) Auditor</u>	<u>\$ 95,275</u>
<u>(f) Attorney general</u>	<u>\$ 123,600</u>
<u>(g) Superintendent of public instruction</u>	<u>\$ 97,226</u>
<u>(h) Commissioner of public lands</u>	<u>\$ 97,226</u>
<u>(i) Insurance commissioner</u>	<u>\$ 88,580</u>

(4) The lieutenant governor shall receive the fixed amount of his salary plus 1/260th of the difference between his salary and that of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor.

Sec. 2. RCW 43.03.012 and 1997 c 458 s 2 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 2.04.092, 2.06.062, 2.08.092, 3.58.010, and 43.03.310, the annual salaries of the judges of the state shall be as follows:

~~(1)~~ ~~(Effective September 1, 1995:~~

(a) Justices of the supreme court	\$ 109,880
(b) Judges of the court of appeals	\$ 104,448
(c) Judges of the superior court	\$ 99,015
(d) Full-time judges of the district court	\$ 94,198

~~(2))~~ Effective September 1, 1997:

(a) Justices of the supreme court	\$ 112,078
(b) Judges of the court of appeals	\$ 106,537
(c) Judges of the superior court	\$ 100,995
(d) Full-time judges of the district court	\$ 96,082

~~((3))~~ (2) Effective September 1, 1999:

<u>(a) Justices of the supreme court</u>	<u>\$ 120,000</u>
<u>(b) Judges of the court of appeals</u>	<u>\$ 114,000</u>

<u>(c) Judges of the superior court</u>	<u>\$ 108,300</u>
<u>(d) Full-time judges of the district court</u>	<u>\$ 102,885</u>
<u>(3) Effective September 1, 2000:</u>	
<u>(a) Justices of the supreme court</u>	<u>\$ 123,600</u>
<u>(b) Judges of the court of appeals</u>	<u>\$ 117,420</u>
<u>(c) Judges of the superior court</u>	<u>\$ 111,549</u>
<u>(d) Full-time judges of the district court</u>	<u>\$ 105,972</u>

(4) The salary for a part-time district court judge shall be the proportion of full-time work for which the position is authorized, multiplied by the salary for a full-time district court judge.

Sec. 3. RCW 43.03.013 and 1997 c 458 s 3 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salary of members of the legislature shall be:

~~(1) ((Effective September 1, 1996:~~

(a) Legislator	\$ 28,300
(b) Speaker of the house	\$ 36,300
(c) Senate majority leader	\$ 32,300
(d) Senate minority leader	\$ 32,300
(e) House minority leader	\$ 32,300

~~(2)) Effective September 1, 1997:~~

(a) Legislators	\$ 28,300
(b) Speaker of the house	\$ 36,300
(c) Senate majority leader	\$ 32,300
(d) Senate minority leader	\$ 32,300
(e) House minority leader	\$ 32,300

(2) Effective September 1, 1999:

<u>(a) Legislators</u>	<u>\$ 31,130</u>
<u>(b) Speaker of the house</u>	<u>\$ 39,130</u>
<u>(c) Senate majority leader</u>	<u>\$ 35,130</u>
<u>(d) Senate minority leader</u>	<u>\$ 39,130</u>
<u>(e) House minority leader</u>	<u>\$ 35,130</u>

(3) Effective September 1, 2000:

<u>(a) Legislators</u>	<u>\$ 32,064</u>
<u>(b) Speaker of the house</u>	<u>\$ 40,064</u>
<u>(c) Senate majority leader</u>	<u>\$ 36,064</u>
<u>(d) Senate minority leader</u>	<u>\$ 36,064</u>
<u>(e) House minority leader</u>	<u>\$ 36,064</u>

Dr. E. Arthur Self, Chair
 Washington Citizens' Commission on
 Salaries for Elected Officials

Filed in Office of Secretary of State June 4, 1999

CHAPTER 4

[Engrossed Substitute House Bill 2091]

FOREST PRACTICES—SALMON RECOVERY

AN ACT Relating to forest practices as they affect the recovery of salmon and other aquatic resources; amending RCW 76.09.020, 76.13.010, 76.42.060, 76.09.330, 76.09.040, 84.33.120, 84.33.140, 84.33.145, 84.34.080, 84.34.108, 76.09.140, 76.09.150, 76.09.170, 76.09.010, 76.09.220, 76.09.030, and 90.48.420; adding new sections to chapter 75.46 RCW; adding new sections to chapter 76.09 RCW; adding a new section to chapter 34.05 RCW; adding new sections to chapter 43.21C RCW; adding a new section to chapter 84.33 RCW; adding new sections to chapter 76.13 RCW; creating new sections; repealing RCW 90.28.150; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 101. A new section is added to chapter 75.46 RCW and codified with the subchapter heading of "salmon recovery planning in areas involving forest practices" to read as follows:

(1) The legislature finds that the forests and fish report as defined in RCW 76.09.020 was developed through extensive negotiations with the federal agencies responsible for administering the endangered species act and the clean water act. The legislature further finds that the forestry industry, small landowners, tribal governments, state and federal agencies, and counties have worked diligently for nearly two years to reach agreement on scientifically based changes to the forest practices rules, set forth in the forests and fish report as defined in RCW 76.09.020. The legislature further finds that if existing forest practices rules are amended as proposed in the forests and fish report as defined in RCW 76.09.020, the resulting changes in forest practices (a) will lead to: (i) Salmon habitat that meets riparian functions vital to the long-term recovery of salmon on more than sixty thousand miles of streams in this state; (ii) identification of forest roads contributing to habitat degradation and corrective action to remedy those problems to protect salmon habitat; (iii) increased protection of steep and unstable slopes; and (iv) the implementation of scientifically based adaptive management and monitoring processes for evaluating the impacts of forest practices on aquatic resources, as defined in RCW 76.09.020, and a process for amending the forest practices rules to incorporate new information as it becomes available; (b) will lead to the protection of aquatic resources to the maximum extent practicable consistent with maintaining commercial forest management as an economically viable use of lands suitable for that purpose; and (c) will provide a regulatory climate and structure more likely to keep landowners from converting forest lands to other uses that would be less desirable for salmon recovery.

(2) The legislature further finds that the changes in laws and rules contemplated by chapter . . . , Laws of 1999 1st sp. sess. (this act), taken as a whole, constitute a comprehensive and coordinated program to provide substantial and sufficient contributions to salmon recovery and water quality enhancement in areas impacted by forest practices and are intended to fully satisfy the requirements of the endangered species act (16 U.S.C. Sec. 1531 et seq.) with respect to incidental take of salmon and other aquatic resources and the clean water act (33 U.S.C. Sec.

1251 et seq.) with respect to nonpoint source pollution attributable to forest practices.

(3) The legislature finds that coordination is needed between the laws relating to forestry in chapter 76.09 RCW and the state salmon recovery strategy being developed under this chapter. The coordination should ensure that nonfederal forest lands are managed in ways that make appropriate contributions to the recovery of salmonid fish, water quality, and related environmental amenities while encouraging continued investments in those lands for commercial forestry purposes. Specifically, the legislature finds that forest practices rules relating to water quality, salmon, certain other species of fish, certain species of stream-associated amphibians, and their respective habitats should be coordinated with the rules and policies relating to other land uses through the state-wide salmon recovery planning process. The legislature further finds that this subchapter is but one part of a comprehensive salmon strategy as required in this chapter, and this investment in salmon habitat will be of little value if a comprehensive state plan is not completed and fully implemented.

(4) The legislature recognizes that the adoption of forest practices rules consistent with the forests and fish report as defined in RCW 76.09.020 will impose substantial financial burdens on forest landowners which, if not partially offset through other changes in the laws and rules governing forestry, could lead to significantly reduced silvicultural investments on nonfederal lands, deterioration in the quality, condition, and amounts of forests on those lands, and long-term adverse effects on fish and wildlife habitat and other environmental amenities associated with well managed forests. Moreover, as the benefits of the proposed revisions to the forest practices rules will benefit the general public, chapter . . . , Laws of 1999 1st sp. sess. (this act) suggests that some of these costs be shared with the general public.

(5) As an integral part of implementing the salmon recovery strategy, chapter . . . , Laws of 1999 1st sp. sess. (this act) (a) provides direction to the forest practices board, the department of natural resources, and the department of ecology with respect to the adoption, implementation, and enforcement of rules relating to forest practices and the protection of aquatic resources; (b) provides additional enforcement tools to the department of natural resources to enforce the forest practices rules; (c) anticipates the need for adequate and consistent funding for the various programmatic elements necessary to fully implement the strategy over time and derive the long-term benefits; (d) provides for the acquisition by the state of forest lands within certain stream channel migration zones where timber harvest will not be allowed; (e) provides for small landowners to have costs shared for a portion of any extraordinary economic losses attributable to the revisions to the forest practices rules required by chapter . . . , Laws of 1999 1st sp. sess. (this act); and (f) amends other existing laws to aid in the implementation of the recommendations set forth in the forests and fish report as defined in RCW 76.09.020.

**PART II
RULE MAKING**

NEW SECTION. Sec. 201. A new section is added to chapter 76.09 RCW to read as follows:

(1) The legislature finds that the declines of fish stocks throughout much of the state requires immediate action to be taken to help restore these fish runs where possible. The legislature also recognizes that federal and state agencies, tribes, county representatives, and private timberland owners have spent considerable effort and time to develop the forests and fish report. Given the agreement of the parties, the legislature believes that the immediate adoption of emergency rules is appropriate in this particular instance. These rules can implement many provisions of the forests and fish report to protect the economic well-being of the state, and to minimize the risk to the state and landowners to legal challenges. This authority is not designed to set any precedents for the forest practices board in future rule making or set any precedents for other rule-making bodies of the state.

(2) The forest practices board is authorized to adopt emergency rules amending the forest practices rules with respect to the protection of aquatic resources, in accordance with RCW 34.05.350, except: (a) That the rules adopted under this section may remain in effect until permanent rules are adopted, or until June 30, 2001, whichever is sooner; (b) notice of the proposed rules must be published in the Washington State Register as provided in RCW 34.05.320; (c) at least one public hearing must be conducted with an opportunity to provide oral and written comments; and (d) a rule-making file must be maintained as required by RCW 34.05.370. In adopting the emergency rules, the board is not required to prepare a small business economic impact statement under chapter 19.85 RCW, prepare a statement indicating whether the rules constitute a significant legislative rule under RCW 34.05.328, prepare a significant legislative rule analysis under RCW 34.05.328, or follow the procedural requirements of the state environmental policy act, chapter 43.21C RCW. The forest practices board may only adopt recommendations contained in the forests and fish report as emergency rules under this section.

NEW SECTION. Sec. 202. A new section is added to chapter 34.05 RCW to read as follows:

Emergency rules adopted by the forest practices board pertaining to forest practices and the protection of aquatic resources are subject to this chapter to the extent provided in section 201 of this act.

NEW SECTION. Sec. 203. A new section is added to chapter 43.21C RCW to read as follows:

The duration and process for adopting emergency rules by the forest practices board pertaining to forest practices and the protection of aquatic resources as provided in section 201 of this act are exempt from the procedural requirements of this chapter.

NEW SECTION. Sec. 204. A new section is added to chapter 76.09 RCW to read as follows:

(1) The legislature finds that the process that produced the forests and fish report was instigated by the forest practices board, the report is the product of considerable negotiations between several diverse interest groups, and the report has the support of key federal agencies. When adopting permanent rules under this section, the forest practices board is strongly encouraged to follow the recommendations of the forests and fish report, but may include other alternatives for protection of aquatic resources. If the forest practices board chooses to adopt rules under this section that are not consistent with the recommendations contained in the forests and fish report, the board must notify the appropriate legislative committees of the proposed deviations, the reasons for the proposed deviations, and whether the parties to the forests and fish report still support the agreement. The board shall defer final adoption of such rules for sixty days of the legislative session to allow for the opportunity for additional public involvement and legislative oversight.

(2) The forest practices board shall follow the regular rules adoption process contained in the administrative procedure act, chapter 34.05 RCW, when adopting permanent rules pertaining to forest practices and the protection of aquatic resources except as limited by subsection (1) of this section. The permanent rules must accomplish the policies stated in RCW 76.09.010 without jeopardizing the economic viability of the forest products industry.

(3) The rules adopted under this section should be as specific as reasonably possible while also allowing an applicant to propose alternate plans in response to site-specific physical features. Alternate plans should provide protection to public resources at least equal in overall effectiveness by alternate means.

(4) Rule making under subsection (2) of this section shall be completed by June 30, 2001.

(5) The board should consider coordinating any environmental review process under chapter 43.21C RCW relating to the adoption of rules under subsection (2) of this section with any review of a related proposal under the national environmental policy act (42 U.S.C. Sec. 4321, et seq.).

(6) After the board has adopted permanent rules under subsection (2) of this section, changes to those rules and any new rules covering aquatic resources may be adopted by the board but only if the changes or new rules are consistent with recommendations resulting from the scientifically based adaptive management process established by a rule of the board. Any new rules or changes under this subsection need not be based upon the recommendations of the adaptive management process if: (a) The board is required to adopt or modify rules by the final order of any court having jurisdiction thereof; or (b) future state legislation directs the board to adopt or modify the rules.

(7) In adopting permanent rules, the board shall incorporate the scientific-based adaptive management process described in the forests and fish report which

will be used to determine the effectiveness of the new forest practices rules in aiding the state's salmon recovery effort. The purpose of an adaptive management process is to make adjustments as quickly as possible to forest practices that are not achieving the resource objectives. The adaptive management process shall incorporate the best available science and information, include protocols and standards, regular monitoring, a scientific and peer review process, and provide recommendations to the board on proposed changes to forest practices rules to meet timber industry viability and salmon recovery.

NEW SECTION. Sec. 205. A new section is added to chapter 76.09 RCW to read as follows:

Prior to the adoption of permanent rules as required by chapter . . . , Laws of 1999 1st sp. sess. (this act) and no later than January 1, 2000, the board shall report to the appropriate legislative committees regarding the substance of emergency rules that have been adopted under chapter . . . , Laws of 1999 1st sp. sess. (this act). In addition, the report shall include information on changes made to the forests and fish report after April 29, 1999, and an update on the status of the adoption of permanent rules, including the anticipated substance of the rules and the anticipated date of final adoption. The board shall additionally provide a report to the appropriate legislative committees by January 1, 2001.

On January 1, 2006, the board shall provide a summary to the appropriate legislative committees regarding modifications made to the forests and fish report made after January 1, 2000, and to the permanent rules according to the adaptive management process as set forth in the forests and fish report.

PART III DEFINITIONS

Sec. 301. RCW 76.09.020 and 1974 ex.s. c 137 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" (~~shall~~) means the forest practices appeals board created by RCW 76.09.210.

~~((2))~~ (3) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunnii*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(4) "Commissioner" (~~shall~~) means the commissioner of public lands.

~~((3))~~ (5) "Contiguous" ~~((shall))~~ means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right of way shall be considered contiguous.

~~((4))~~ (6) "Conversion to a use other than commercial timber operation" ~~((shall))~~ means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices ~~((regulations))~~ rules.

~~((5))~~ (7) "Department" ~~((shall))~~ means the department of natural resources.

~~((6))~~ (8) "Forest land" ~~((shall))~~ means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

~~((7))~~ (9) "Forest landowner" ~~((shall))~~ means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: PROVIDED, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

~~((8))~~ (10) "Forest practice" ~~((shall))~~ means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

~~((9))~~ (11) "Forest practices ~~((regulations" shall))~~ rules" means any rules ~~((promulgated))~~ adopted pursuant to RCW 76.09.040.

~~((10))~~ (12) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(13) "Application" ~~((shall))~~ means the application required pursuant to RCW 76.09.050.

~~((11))~~ (14) "Operator" ~~((shall))~~ means any person engaging in forest practices except an employee with wages as his or her sole compensation.

~~((12))~~ (15) "Person" (~~shall~~) means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

~~((13))~~ (16) "Public resources" (~~shall~~) means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

~~((14))~~ (17) "Timber" (~~shall~~) means forest trees, standing or down, of a commercial species, including Christmas trees.

~~((15))~~ (18) "Timber owner" (~~shall~~) means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

~~((16))~~ (19) "Board" (~~shall~~) means the forest practices board created in RCW 76.09.030.

(20) "Unconfined avulsing channel migration zone" means the area within which the active channel of an unconfined avulsing stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(21) "Unconfined avulsing stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

PART IV TIMBER EXCISE TAX CREDIT

NEW SECTION. Sec. 401. A new section is added to chapter 84.33 RCW to read as follows:

(1) A taxpayer is allowed a credit against the tax imposed under RCW 84.33.041 for timber harvested under a forest practices notification filed or application approved under RCW 76.09.050 and subject to enhanced aquatic resources requirements.

(2)(a) For a person other than a small harvester who elects to calculate tax under RCW 84.33.074, the credit is equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by eight-tenths of one percent.

(b) For a small harvester who elects to calculate tax under RCW 84.33.074, the credit is equal to sixteen percent of the tax imposed under this chapter.

(c) The amount of credit claimed by a taxpayer under this section shall be reduced by the amount of any compensation received from the federal government for reduced timber harvest due to enhanced aquatic resource requirements. If the amount of compensation from the federal government exceeds the amount of credit available to a taxpayer in any reporting period, the excess shall be carried forward

and applied against credits in future reporting periods. This subsection does not apply to small harvesters as defined in RCW 84.33.073.

(d) Refunds may not be given in place of credits. Credit may not be claimed in excess of tax owed. The department of revenue shall disallow any credits, used or unused, upon written notification from the department of natural resources of a final decision that timber for which credit was claimed was not harvested under a forest practices notification filed or application approved under RCW 76.09.050 and subject to enhanced aquatic resources requirements.

(3) As used in this section, a forest practice notification or application is subject to enhanced aquatic resource requirements if it includes, in whole or in part, riparian area, wetland, or steep or unstable slope from which the operator is limited, by rule adopted under sections 201 through 204 of this act, or any federally approved habitat conservation plan or department of natural resources approved watershed analysis, from harvesting timber, or if a road is included within or adjacent to the area covered by such notification or application and the road is covered by a road maintenance plan approved by the department of natural resources under rules adopted under chapter 76.09 RCW, the forest practices act, or a federally approved habitat conservation plan.

(4) For forest practices notification or applications submitted after January 1, 2000, the department of natural resources shall indicate whether the notification or application is subject to enhanced aquatic resource requirements and, unless notified of a contrary determination by the forest practices appeals board, the department of revenue shall use such indication in determining the credit to be allowed against the tax assessed under RCW 84.33.041. The department of natural resources shall develop revisions to the form of the forest practices notifications and applications to provide a space for the applicant to indicate and the department of natural resources to confirm or not confirm, whether the notification or application is subject to enhanced aquatic resource requirements. For forest practices notifications or applications submitted before January 1, 2000, the applicant may submit the approved notification or application to the department of natural resources for confirmation that the notification or application is subject to enhanced aquatic resource requirements. Upon any such submission, the department of natural resources will within thirty days confirm or deny that the notification or application is subject to enhanced aquatic resource requirements and will forward separate evidence of each confirmation to the department of revenue. Unless notified of a contrary ruling by the forest practices appeals board, the department of revenue shall use the separate confirmations in determining the credit to be allowed against the tax assessed under RCW 84.33.041.

(5) A refusal by the department of natural resources to confirm that a notification or application is subject to enhanced aquatic resources requirements may be appealed to the forest practices appeals board under RCW 76.09.220.

(6) A person receiving approval of credit must keep records necessary for the department of revenue to verify eligibility under this section.

NEW SECTION. Sec. 402. The department of revenue and the department of natural resources shall conduct a joint study of the tax credits under section 401 of this act. The study shall examine the relationship between the amount of tax credit received by each taxpayer and the extent that the taxpayer's timber harvests have been limited as a result of complying with enhanced aquatic resource requirements. The departments shall submit the study to the legislature by November 1, 2002.

PART V SMALL FOREST LANDOWNERS

NEW SECTION. Sec. 501. A new section is added to chapter 76.13 RCW to read as follows:

(1) The legislature finds that increasing regulatory requirements continue to diminish the economic viability of small forest landowners. The concerns set forth in section 101 of this act about the importance of sustaining forestry as a viable land use are particularly applicable to small landowners because of the location of their holdings, the expected complexity of the regulatory requirements, and the need for significant technical expertise not readily available to small landowners. The further reduction in harvestable timber owned by small forest landowners as a result of the rules to be adopted under section 201 of this act will further erode small landowners' economic viability and willingness or ability to keep the lands in forestry use and, therefore, reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, as defined in RCW 76.09.020.

(2) The legislature finds that the concerns identified in subsection (1) of this section should be addressed by establishing within the department of natural resources a small forest landowner office that shall be a resource and focal point for small forest landowner concerns and policies. The legislature further finds that a forestry riparian easement program shall be established to acquire easements from small landowners along riparian and other areas of value to the state for protection of aquatic resources. The legislature further finds that small forest landowners should have the option of alternate management plans or alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources. The small forest landowner office should be responsible for assisting small landowners in the development and implementation of these plans or restrictions.

Sec. 502. RCW 76.13.010 and 1991 c 27 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply ~~((throughout this chapter))~~ to RCW 76.13.005, 76.13.007, 76.13.020, and 76.13.030.

(1) "Department" means the department of natural resources.

(2) "Landowner" means an individual, partnership, private, public or municipal corporation, Indian tribe, state agency, county, or local government entity, educational institution, or association of individuals of whatever nature that own nonindustrial forests and woodlands.

(3) "Nonindustrial forests and woodlands" are those suburban acreages and rural lands supporting or capable of supporting trees and other flora and fauna associated with a forest ecosystem, comprised of total individual land ownerships of less than five thousand acres and not directly associated with wood processing or handling facilities.

(4) "Stewardship" means managing by caring for, promoting, protecting, renewing, or reestablishing or both, forests and associated resources for the benefit of the landowner, the natural resources and the citizens of Washington state, in accordance with each landowner's objectives, best management practices, and legal requirements.

(5) "Cooperating organization" means federal, state, and local agencies, colleges and universities, landowner assistance organizations, consultants, forest resource-related industries, and environmental organizations which promote and maintain programs designed to provide information and technical assistance services to nonindustrial forest and woodland owners.

NEW SECTION. Sec. 503. A new section is added to chapter 76.13 RCW to read as follows:

(1) The department of natural resources shall establish and maintain a small forest landowner office. The small forest landowner office shall be a resource and focal point for small forest landowner concerns and policies, and shall have significant expertise regarding the management of small forest holdings, governmental programs applicable to such holdings, and the forestry riparian easement program.

(2) The small forest landowner office shall administer the provisions of the forestry riparian easement program created under section 504 of this act. With respect to that program, the office shall have the authority to contract with private consultants that the office finds qualified to perform timber cruises of forestry riparian easements.

(3) The small forest landowner office shall assist in the development of small landowner options through alternate management plans or alternate harvest restrictions appropriate to small landowners. The small forest landowner office shall develop criteria to be adopted by the forest practices board in a manual for alternate management plans or alternate harvest restrictions. These alternate plans or alternate harvest restrictions shall meet riparian functions while requiring less costly regulatory prescriptions. At the landowner's option, alternate plans or alternate harvest restrictions may be used to further meet riparian functions.

The small landowner office shall evaluate the cumulative impact of such alternate management plans or alternate harvest restrictions on essential riparian functions at the subbasin or watershed level. The small forest landowner office

shall adjust future alternate management plans or alternate harvest restrictions in a manner that will minimize the negative impacts on essential riparian functions within a subbasin or watershed.

(4) An advisory committee is established to assist the small forest landowner office in developing policy and recommending rules to the forest practices board. The advisory committee shall consist of seven members, including a representative from the department of ecology, the department of fish and wildlife, and a tribal representative. Four additional committee members shall be small forest landowners who shall be appointed by the commissioner of public lands from a list of candidates submitted by the board of directors of the Washington farm forestry association or its successor organization. The association shall submit more than one candidate for each position. Appointees shall serve for a term of four years. The small forest landowner office shall review draft rules or rule concepts with the committee prior to recommending such rules to the forest practices board. The office shall reimburse nongovernmental committee members for reasonable expenses associated with attending committee meetings as provided in RCW 43.03.050 and 43.03.060.

(5) By December 1, 2000, the small forest landowner office shall provide a report to the board and the legislature containing:

(a) Estimates of the amounts of nonindustrial forests and woodlands in holdings of twenty acres or less, twenty-one to one hundred acres, one hundred to one thousand acres, and one thousand to five thousand acres, in western Washington and eastern Washington, and the number of persons having total nonindustrial forest and woodland holdings in those size ranges;

(b) Estimates of the number of parcels of nonindustrial forests and woodlands held in contiguous ownerships of twenty acres or less, and the percentages of those parcels containing improvements used: (i) As primary residences for half or more of most years; (ii) as vacation homes or other temporary residences for less than half of most years; and (iii) for other uses;

(c) The watershed administrative units in which significant portions of the riparian areas or total land area are nonindustrial forests and woodlands;

(d) Estimates of the number of forest practices applications and notifications filed per year for forest road construction, silvicultural activities to enhance timber growth, timber harvest not associated with conversion to nonforest land uses, with estimates of the number of acres of nonindustrial forests and woodlands on which forest practices are conducted under those applications and notifications; and

(e) Recommendations on ways the board and the legislature could provide more effective incentives to encourage continued management of nonindustrial forests and woodlands for forestry uses in ways that better protect salmon, other fish and wildlife, water quality, and other environmental values.

(6) By December 1, 2002, and every four years thereafter, the small forest landowner office shall provide to the board and the legislature an update of the

report described in subsection (5) of this section, containing more recent information and describing:

(a) Trends in the items estimated under subsection (5)(a) through (d) of this section;

(b) Whether, how, and to what extent the forest practices act and rules contributed to those trends; and

(c) Whether, how, and to what extent: (i) The board and legislature implemented recommendations made in the previous report; and (ii) implementation of or failure to implement those recommendations affected those trends.

NEW SECTION. Sec. 504. A new section is added to chapter 76.13 RCW to read as follows:

(1) The legislature finds that the state should acquire easements along riparian and other sensitive aquatic areas from small forest landowners willing to sell or donate such easements to the state provided that the state will not be required to acquire such easements if they are subject to unacceptable liabilities. The legislature therefore establishes a forestry riparian easement program.

(2) The definitions in this subsection apply throughout this section and sections 501 and 503 of this act unless the context clearly requires otherwise.

(a) "Forestry riparian easement" means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(b) "Qualifying timber" means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under the rules adopted under sections 201 and 204 of this act or that is made uneconomic to harvest by those rules, and for which the small landowner is willing to grant the state a forestry riparian easement. "Qualifying timber" is timber within or bordering a commercially reasonable harvest unit as determined under rules adopted by the forest practices board.

(c) "Small forest landowner" means a landowner meeting all of the following characteristics: (i) A forest landowner as defined in RCW 76.09.020 whose interest in the land and timber is in fee or who has rights to the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is submitted; (ii) an entity that has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the owner as a small timber harvester under RCW 84.33.073(1); and (iii) an entity that certifies at the time of application that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.073(1) during the ten years following application. If a landowner's prior three-year average harvest exceeds the limit of RCW 84.33.073(1), or the landowner expects to exceed this limit during the ten years following application, and that landowner establishes to the department of natural resources' reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and

unexpected obligations such as court-ordered judgments or extraordinary medical expenses, the landowner shall be deemed to be a small forest landowner.

For purposes of determining whether a person qualifies as a small forest landowner, the small forest landowner office, created in section 503 of this act, shall evaluate the landowner under this definition as of the date that the forest practices application is submitted with which the forestry riparian easement is associated. A small forest landowner can include an individual, partnership, corporate, or other nongovernmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section.

(d) "Completion of harvest" means that the trees have been harvested from an area and that further entry into that area by mechanized logging or slash treating equipment is not expected.

(3) The department of natural resources is authorized and directed to accept and hold in the name of the state of Washington forestry riparian easements granted by small forest landowners covering qualifying timber and to pay compensation to such landowners in accordance with subsections (6) and (7) of this section. The department of natural resources may not transfer the easements to any entity other than another state agency.

(4) Forestry riparian easements shall be effective for fifty years from the date the forest practices application associated with the qualifying timber is submitted to the department of natural resources, unless the easement is terminated earlier by the department of natural resources voluntarily, based on a determination that termination is in the best interest of the state, or under the terms of a termination clause in the easement.

(5) Forestry riparian easements shall be restrictive only, and shall preserve all lawful uses of the easement premises by the landowner that are consistent with the terms of the easement and the requirement to protect riparian functions during the term of the easement, subject to the restriction that the leave trees required by the rules to be left on the easement premises may not be cut during the term of the easement. No right of public access to or across, or any public use of the easement premises is created by this statute or by the easement. Forestry riparian easements shall not be deemed to trigger the compensating tax of or otherwise disqualify land from being taxed under chapter 84.33 or 84.34 RCW.

(6) Upon application of a small forest landowner for a riparian easement that is associated with a forest practices application and the landowner's marking of the qualifying timber on the qualifying lands, the small forest landowner office shall determine the compensation to be offered to the small landowner as provided for in this section. The legislature recognizes that there is not readily available market transaction evidence of value for easements of this nature, and thus establishes the following methodology to ascertain the value for forestry riparian easements. Values so determined shall not be considered competent evidence of value for any other purpose.

The small forest landowner office shall establish the volume of the qualifying timber. Based on that volume and using data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091, the small forest landowner office shall attempt to determine the fair market value of the qualifying timber as of the date the forest practices application associated with the qualifying timber was submitted. If, under the forest practices rules adopted under chapter . . . , Laws of 1999 1st sp. sess. (this act), some qualifying timber may be removed prior to the expiration of the fifty-year term of the easement, the small forest landowner office shall apply a reduced compensation factor to ascertain the value of those trees based on the proportional economic value, considering income and growth, lost to the landowner.

(7) Except as provided in subsection (8) of this section, the small forest landowner office shall, subject to available funding, offer compensation to the small forest landowner in the amount of fifty percent of the value determined in subsection (6) of this section. If the landowner accepts the offer, the department of natural resources shall pay the compensation promptly upon (a) completion of harvest in the area covered by the forestry riparian easement; (b) verification that there has been compliance with the rules requiring leave trees in the easement area; and (c) execution and delivery of the easement to the department of natural resources. Upon donation or payment of compensation, the department of natural resources may record the easement.

(8) For approved forest practice applications where the regulatory impact is greater than the average percentage impact for all small landowners as determined by the department of natural resources analysis under the regulatory fairness act, chapter 19.85 RCW, the compensation offered will be increased to one hundred percent for that portion of the regulatory impact that is in excess of the average. Regulatory impact includes trees left in buffers, special management zones, and those rendered uneconomic to harvest by these rules. A separate average or high impact regulatory threshold shall be established for western and eastern Washington. Criteria for these measurements and payments shall be established by the small forest landowner office.

(9) The forest practices board shall adopt rules under the administrative procedure act, chapter 34.05 RCW, to implement the forestry riparian easement program, including the following:

(a) A standard version or versions of all documents necessary or advisable to create the forestry riparian easements as provided for in this section;

(b) Standards for descriptions of the easement premises with a degree of precision that is reasonable in relation to the values involved;

(c) Methods and standards for cruises and valuation of forestry riparian easements for purposes of establishing the compensation. The department of natural resources shall perform the timber cruises of forestry riparian easements required under this chapter and chapter 76.09 RCW. Any rules concerning the methods and standards for valuations of forestry riparian easements shall apply

only to the department of natural resources, small forest landowners, and the small forest landowner office;

(d) A method to determine that a forest practice application involves a commercially reasonable harvest;

(e) A method to address blowdown of qualified timber falling outside the easement premises;

(f) A formula for sharing of proceeds in relation to the acquisition of qualified timber covered by an easement through the exercise or threats of eminent domain by a federal or state agency with eminent domain authority, based on the present value of the department of natural resources' and the landowner's relative interests in the qualified timber;

(g) High impact regulatory thresholds;

(h) A method to determine timber that is qualifying timber because it is rendered uneconomic to harvest by the rules adopted under sections 201 and 204 of this act; and

(i) A method for internal department of natural resources review of small landowner office compensation decisions under subsection (7) of this section.

NEW SECTION. Sec. 505. A new section is added to chapter 76.13 RCW to read as follows:

On parcels of twenty contiguous acres or less, landowners with a total parcel ownership of less than eighty acres shall not be required to leave riparian buffers adjacent to streams according to forest practices rules adopted under the forests and fish report as defined in RCW 76.09.020. These landowners shall be subject to the permanent forest practices rules in effect as of January 1, 1999, but may additionally be required to leave timber adjacent to streams that is equivalent to no greater than fifteen percent of a volume of timber contained in a stand of well managed fifty-year old commercial timber covering the harvest area. The additional fifteen percent leave tree level shall be computed as a rotating stand volume and shall be regulated through flexible forest practices as the stream buffer is managed over time to meet riparian functions.

On parcels of twenty contiguous acres or less the small forest landowner office shall work with landowners with a total parcel ownership of less than eighty acres to develop alternative management plans for riparian buffers. Such alternative plans shall provide for the removal of leave trees as other new trees grow in order to ensure the most effective protection of critical riparian function. The office may recommend reasonable modifications in alternative management plans of such landowners to further reduce risks to public resources and endangered species so long as the anticipated operating costs are not unreasonably increased and the landowner is not required to leave a greater volume than the threshold level. To qualify for the provisions of this section, parcels must be twenty acres or less in contiguous ownership, and owners cannot have ownership interests in a total of more than eighty acres of forest lands within the state.

**PART VI
LARGE WOODY DEBRIS**

Sec. 601. RCW 76.42.060 and 1973 c 136 s 7 are each amended to read as follows:

It shall be unlawful to dispose of wood debris by depositing such material into any of the navigable waters of this state, except as authorized by law including any discharge or deposit allowed to be made under and in compliance with chapter 90.48 RCW and any rules ~~((or regulations))~~ ~~duly ((promulgated))~~ adopted thereunder or any deposit allowed to be made under and in compliance with chapter 76.09 or 75.46 RCW and any rules duly adopted under those chapters. Violation of this section shall be a misdemeanor.

Sec. 602. RCW 76.09.330 and 1992 c 52 s 5 are each amended to read as follows:

The legislature hereby finds and declares that riparian ecosystems on forest lands in addition to containing valuable timber resources, provide benefits for wildlife, fish, and water quality. The legislature further finds and declares that leaving riparian areas unharvested and leaving snags and green trees for large woody debris recruitment for streams and rivers provides public benefits including but not limited to benefits for threatened and endangered salmonids, other fish, amphibians, wildlife, and water quality enhancement. The legislature further finds and declares that leaving upland areas unharvested for wildlife and leaving snags and green trees for future snag recruitment provides benefits for wildlife. Forest landowners may be required to leave trees standing in riparian and upland areas to benefit public resources. It is recognized that these trees may blow down or fall into streams and that organic debris may be allowed to remain in streams. This is beneficial to riparian dependent and other wildlife species. Further, it is recognized that trees may blow down, fall onto, or otherwise cause damage or injury to public improvements, private property, and persons. Notwithstanding any statutory provision, rule, or common law doctrine to the contrary, the landowner, the department, and the state of Washington shall not be held liable for any injury or damages resulting from these actions, including but not limited to wildfire, erosion, flooding, personal injury, property damage, damage to public improvements, and other injury or damages of any kind or character resulting from the trees being left.

**PART VII
RIPARIAN OPEN SPACE**

Sec. 701. RCW 76.09.040 and 1997 c 173 s 1 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall ~~((promulgate))~~ adopt forest practices ~~((regulations))~~ rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

(a) Establish minimum standards for forest practices;

(b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(c) Set forth necessary administrative provisions; ~~(and)~~

(d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

(e) Allow for the development of watershed analyses.

Forest practices ~~((regulations))~~ rules pertaining to water quality protection shall be ~~((promulgated individually))~~ adopted by the board ~~((and by the department of ecology))~~ after ~~((they have reached))~~ reaching agreement with the director of the department of ecology or the director's designee on the board with respect thereto. All other forest practices ~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted by the board.

Forest practices ~~((regulations))~~ rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such ~~((regulations))~~ rules shall be ~~((promulgated))~~ adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2) The board shall prepare proposed forest practices ~~((regulations))~~ rules. In addition to any forest practices ~~((regulations))~~ rules relating to water quality protection proposed by the board, the department of ecology ~~((shall prepare))~~ may submit to the board proposed forest practices ~~((regulations))~~ rules relating to water quality protection.

Prior to initiating the rule making process, the proposed ~~((regulations))~~ rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices ~~((regulations))~~ rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed ~~((regulations))~~ rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed ~~((regulations))~~ rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices ~~((regulations))~~ rules relating to problems existing within such county. The board may adopt and the department of ecology may ~~((adopt))~~ approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3) The board shall establish by rule a riparian open space program that includes acquisition of a fee interest in, or at the landowner's option, a conservation easement on lands within unconfined avulsing channel migration zones. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservation corporation, as defined in

RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. Because there are few, if any, comparable sales of forest land within unconfined avulsing channel migration zones, separate from the other lands or assets, these lands are likely to be extraordinarily difficult to appraise and the cost of a conventional appraisal often would be unreasonable in relation to the value of the land involved. Therefore, for the purposes of voluntary sales under this section, the legislature declares that these lands are presumed to have a value equal to: (a) The acreage in the sale multiplied by the average value of commercial forest land in the region under the land value tables used for property tax purposes under RCW 84.33.120; plus (b) the cruised volume of any timber located within the channel migration multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091. For purposes of this section, there shall be an eastside region and a westside region as defined in the forests and fish report as defined in RCW 76.09.020.

(4) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department is directed to purchase a fee interest or, at the owner's option, a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined avulsing channel migration zone. Lands acquired under this section shall become riparian open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

(5) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(6) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space.

Sec. 702. RCW 84.33.120 and 1999 c 233 s 20 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he or she applies

generally in computing the assessed value of other property in his or her county. Values for the several grades of bare forest land shall be as follows.

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$141
	2	136
	3	131
	4	95
2	1	118
	2	114
	3	110
	4	80
3	1	93
	2	90
	3	87
	4	66
4	1	70
	2	68
	3	66
	4	52
5	1	51
	2	48
	3	46
	4	31
6	1	26
	2	25
	3	25
	4	23
7	1	12
	2	12
	3	11
	4	11
8	1	1

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.05 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his or her use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him or her by the department of revenue, and he or she shall compute the assessed value of such land by using the same assessment ratio he or she applies generally in computing the assessed value of other property in his or her county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he or she shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

(a) Receipt of notice from the owner to remove such land from classification as forest land;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from classification if a governmental agency, organization, or other recipient identified in subsection (9) or (10) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in classified forest land by means of a transaction that qualifies for an exemption under subsection (9) or (10) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the classified land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner

has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to (c) or (d) of this subsection prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of (a), (b), (d), or (e) of this subsection shall apply only to the land affected, and upon occurrence of (c) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5)(e), (9), or (10) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien

may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (7) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes; ~~((or))~~

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under section 504 of this act; or

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(10) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) An action described in subsection (9) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as

the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

(11) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his or her own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

Sec. 703. RCW 84.33.140 and 1999 c 233 s 21 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to RCW 84.33.120(4) or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of classification. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (3) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (3) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) Such land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (5) or (6) of this section as exempt from the payment of compensating tax has

manifested its intent in writing or by other official action to acquire a property interest in designated forest land by means of a transaction that qualifies for an exemption under subsection (5) or (6) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or any applicable regulations thereunder; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

Removal of designation upon occurrence of any of (a) through (c) of this subsection shall apply only to the land affected, and upon occurrence of (d) of this subsection shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation: PROVIDED, That any remaining designated forest land meets necessary definitions of forest land pursuant to RCW 84.33.100.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (1)(c), (5), or (6) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to the difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by a number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW: PROVIDED, That at such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (3) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes; ~~((or))~~

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;

(f) The creation, sale, or transfer of forestry riparian easements under section 504 of this act; or

(g) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(6) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (3) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (1) of this section resulted solely from:

(a) An action described in subsection (5) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 704. RCW 84.33.145 and 1997 c 299 s 3 are each amended to read as follows:

(1) If no later than thirty days after removal of classification or designation the owner applies for classification under RCW 84.34.020 (1), (2), or (3), then the classified or designated forest land shall not be considered removed from classification or designation for purposes of the compensating tax under RCW 84.33.120 or 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number equal to:

(i) The number of years the land was classified or designated under this chapter, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is less than ten; or

(ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is at least ten.

(2) Nothing in this section authorizes the continued classification or designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100. Nothing in this section affects the additional tax imposed under RCW 84.34.108.

(3) In a county with a population of more than one million inhabitants, no amount of compensating tax is due under this section if the removal from classification under RCW 84.34.108 results from a transfer of property described in RCW 84.34.108(~~(5)~~) (6).

Sec. 705. RCW 84.34.080 and 1992 c 69 s 11 are each amended to read as follows:

When land which has been classified under this chapter as open space land, farm and agricultural land, or timber land is applied to some other use, except through compliance with RCW 84.34.070, or except as a result solely from any one

of the conditions listed in RCW 84.34.108(~~(5)~~) (6), the owner shall within sixty days notify the county assessor of such change in use and additional real property tax shall be imposed upon such land in an amount equal to the sum of the following:

(1) The total amount of the additional tax and applicable interest due under RCW 84.34.108; plus

(2) A penalty amounting to twenty percent of the amount determined in subsection (1) of this section.

Sec. 706. RCW 84.34.108 and 1999 c 139 s 2 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of such classification shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of such classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of such land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. ~~((The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150.))~~ The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection ~~((3))~~ (4) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection ~~((3))~~ (4) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether such land continues

to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under section 504 of this act; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The seller, transferor, or owner may appeal such removal to the county board of equalization.

~~((3))~~ (4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection ~~((5))~~ (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of such an additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

~~((4))~~ (5) Additional tax, applicable interest, and penalty, shall become a lien on such land which shall attach at the time such land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. Any additional tax

unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

~~((5))~~ (6) The additional tax, applicable interest, and penalty specified in subsection ~~((3))~~ (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land;

(e) Transfer of land to a church when such land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection ~~((3))~~ (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(d); ~~((or))~~

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under section 504 of this act; or

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparia: open space program under RCW 76.09.040.

NEW SECTION. Sec. 707. A new section is added to chapter 76.09 RCW to read as follows:

Prior to the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations under the forest practices rules adopted under section 204 of this act, as specifically identified in the forests and fish report the seller shall notify the buyer of the existence and nature of such a continuing obligation and the buyer shall sign a notice of continuing forest land obligation indicating the buyer's knowledge thereof. The notice shall be on a form prepared

by the department and shall be sent to the department by the seller at the time of sale or transfer of the land or perpetual timber rights and retained by the department. If the seller fails to notify the buyer about the continuing forest land obligation, the seller shall pay the buyer's costs related to such continuing forest land obligation, including all legal costs and reasonable attorneys' fees, incurred by the buyer in enforcing the continuing forest land obligation against the seller. Failure by the seller to send the required notice to the department at the time of sale shall be prima facie evidence, in an action by the buyer against the seller for costs related to the continuing forest land obligation, that the seller did not notify the buyer of the continuing forest land obligation prior to sale.

PART VIII ENFORCEMENT

Sec. 801. RCW 76.09.140 and 1993 c 482 s 1 are each amended to read as follows:

(1) The department of natural resources may take any necessary action to enforce any final order or final decision, and may disapprove ~~((for up to one year))~~ any forest practices application or notification submitted by any person who has failed to comply with a final order or final decision or has failed to pay any civil penalties as provided in RCW 76.09.170, for up to one year from the issuance of a notice of intent to disapprove notifications and applications under this section or until the violator pays all outstanding civil penalties and complies with all validly issued and outstanding notices to comply and stop work orders, whichever is longer. For purposes of chapter 482, Laws of 1993, the terms "final order" and "final decision" shall mean the same as set forth in RCW 76.09.080, 76.09.090, and 76.09.110. The department shall provide written notice of its intent to disapprove an application or notification under this subsection. The department shall forward copies of its notice of intent to disapprove to any affected landowner. The disapproval period shall run from thirty days following the date of actual notice or when all administrative and judicial appellate processes, if any, have been exhausted. Any person provided the notice may seek review from the appeals board by filing a request for review within thirty days of the date of the notice of intent. While the notice of intent to disapprove is in effect, the violator may not serve as a person in charge of, be employed by, manage, or otherwise participate to any degree in forest practices.

(2) On request of the department, the attorney general may take action necessary to enforce this chapter, including, but not limited to ~~((:));~~ Seeking penalties, interest, costs, and attorneys' fees; enforcing final orders or decisions ~~((:));~~ and seeking civil injunctions, show cause orders, or contempt orders.

(3) A county may bring injunctive, declaratory, or other actions for enforcement for forest practice activities within its jurisdiction in the superior court as provided by law against the department, the forest landowner, timber owner or operator to enforce the forest practice ~~((regulations))~~ rules or any final order of the department, or the appeals board. No civil or criminal penalties shall be imposed

for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department. Injunctions, declaratory actions, or other actions for enforcement under this subsection may not be commenced unless the department fails to take appropriate action after ten days written notice to the department by the county of a violation of the forest practices rules or final orders of the department or the appeals board.

(4)(a) The department may require financial assurance prior to the conduct of any further forest practices from an operator or landowner who within the preceding three-year period has:

(i) Operated without an approved forest practices application, other than an unintentional operation in connection with an approved application outside the approved boundary of such an application;

(ii) Continued to operate in breach of, or failed to comply with, the terms of an effective stop work order or notice to comply; or

(iii) Failed to pay any civil or criminal penalty.

(b) The department may deny any application for failure to submit financial assurances as required.

Sec. 802. RCW 76.09.150 and 1974 ex.s. c 137 s 15 are each amended to read as follows:

(1) The department shall make inspections of forest lands, before, during and after the conducting of forest practices as necessary for the purpose of ((insuring)) **ensuring** compliance with this chapter and the forest practices ((regulations)) **rules** and to ((insure)) **ensure** that no material damage occurs to the natural resources of this state as a result of such practices.

(2) Any duly authorized representative of the department shall have the right to enter upon forest land at any reasonable time to enforce the provisions of this chapter and the forest practices ((regulations)) **rules**.

(3) The department or the department of ecology may apply for an administrative inspection warrant to either Thurston county superior court, or the superior court in the county in which the property is located. An administrative inspection warrant may be issued where:

(a) The department has attempted an inspection of forest lands under this chapter to ensure compliance with this chapter and the forest practice rules or to ensure that no potential or actual material damage occurs to the natural resources of this state, and access to all or part of the forest lands has been actually or constructively denied; or

(b) The department has reasonable cause to believe that a violation of this chapter or of rules adopted under this chapter is occurring or has occurred.

(4) In connection with any watershed analysis, any review of a pending application by an identification team appointed by the department, any compliance studies, any effectiveness monitoring, or other research that has been agreed to by a landowner, the department may invite representatives of other agencies, tribes, and interest groups to accompany a department representative and, at the

landowner's election, the landowner, on any such inspections. Reasonable efforts shall be made by the department to notify the landowner of the persons being invited onto the property and the purposes for which they are being invited.

Sec. 803. RCW 76.09.170 and 1993 c 482 s 2 are each amended to read as follows:

(1) Every person who violates any provision of RCW 76.09.010 through 76.09.280 or of the forest practices rules, or who converts forest land to a use other than commercial timber operation within three years after completion of the forest practice without the consent of the county, city, or town, shall be subject to a penalty in an amount of not more than ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense. In case of a failure to comply with a stop work order, every day's continuance shall be a separate and distinct violation. Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty in this section. No penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board or advisory committee created by this chapter for any act or omission in his or her duties in the administration of this chapter or of any rule adopted under this chapter.

(2) The department shall develop and recommend to the board a penalty schedule to determine the amount to be imposed under this section. The board shall adopt by rule, pursuant to chapter 34.05 RCW, such penalty schedule to be effective no later than January 1, 1994. The schedule shall be developed in consideration of the following:

- (a) Previous violation history;
- (b) Severity of the impact on public resources;
- (c) Whether the violation of this chapter or its rules was intentional;
- (d) Cooperation with the department;
- (e) Repairability of the adverse effect from the violation; and

(f) The extent to which a penalty to be imposed on a forest landowner for a forest practice violation committed by another should be reduced because the owner was unaware of the violation and has not received substantial economic benefits from the violation.

(3) The penalty in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, that department may remit or mitigate the penalty upon whatever terms that department in its discretion deems proper, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall

have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rule as it may deem proper.

(4) Any person incurring a penalty under this section may appeal the penalty to the forest practices appeals board. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When such an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application for remission or mitigation.

(5) The penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred under this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of the penalty incurred is filed, the penalty shall become due and payable only upon completion of all administrative and judicial review proceedings and the issuance of a final decision confirming the penalty in whole or in part.

(6) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty, interest, costs, and attorneys' fees. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. In addition to or as an alternative to seeking enforcement of penalties in superior court, the department may bring an action in district court as provided in Title 3 RCW, to collect penalties, interest, costs, and attorneys' fees.

(7) Penalties imposed under this section for violations associated with a conversion to a use other than commercial timber operation shall be a lien upon the real property of the person assessed the penalty and the department may collect such amount in the same manner provided in chapter 60.04 RCW for mechanics' liens.

(8) Any person incurring a penalty imposed under this section is also responsible for the payment of all costs and attorneys' fees incurred in connection with the penalty and interest accruing on the unpaid penalty amount.

**PART IX
WATERSHED ANALYSIS**

Sec. 901. RCW 76.09.010 and 1993 c 443 s 1 are each amended to read as follows:

(1) The legislature hereby finds and declares that the forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty.

(2) The legislature further finds and declares it to be in the public interest of this state to create and maintain through the adoption of this chapter a comprehensive state-wide system of laws and forest practices (~~(regulations)~~) rules which will achieve the following purposes and policies:

(a) Afford protection to, promote, foster and encourage timber growth, and require such minimum reforestation of commercial tree species on forest lands as will reasonably utilize the timber growing capacity *of* the soil following current timber harvest;

(b) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices;

(c) Recognize both the public and private interest in the profitable growing and harvesting of timber;

(d) Promote efficiency by permitting maximum operating freedom consistent with the other purposes and policies stated herein;

(e) Provide for regulation of forest practices so as to avoid unnecessary duplication in such (~~(regulation)~~) rules;

(f) Provide for interagency input and intergovernmental and tribal coordination and cooperation;

(g) Achieve compliance with all applicable requirements of federal and state law with respect to nonpoint sources of water pollution from forest practices;

(h) To consider reasonable land use planning goals and concepts contained in local comprehensive plans and zoning regulations; (~~and~~)

(i) Foster cooperation among managers of public resources, forest landowners, Indian tribes and the citizens of the state; and

(j) Develop a watershed analysis system that addresses the cumulative effect of forest practices on, at a minimum, the public resources of fish, water, and public capital improvements of the state and its political subdivisions.

(3) The legislature further finds and declares that it is also in the public interest of the state to encourage forest landowners to undertake corrective and remedial action to reduce the impact of mass earth movements and fluvial processes.

(4) The legislature further finds and declares that it is in the public interest that the applicants for state forest practices permits should assist in paying for the cost of review and permitting necessary for the environmental protection of these resources.

Sec. 902. RCW 76.09.220 and 1999 c 90 s 1 are each amended to read as follows:

(1) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall be compensated in accordance with RCW 43.03.250. The director of the environmental hearings office shall make the determination, required under RCW 43.03.250, as to what statutorily prescribed duties, in addition to attendance at a hearing or meeting of the board, shall merit compensation. This compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with the provisions of RCW 43.03.050 and 43.03.060.

(2) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chair, and shall at least biennially thereafter meet and elect or reelect a chair.

(3) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, (~~promulgating~~) ~~adopting~~ rules (~~and regulations~~) necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(4) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(6) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal

shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(7) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department, and the department of fish and wildlife, and the department of ecology with respect to management plans provided for under RCW 76.09.350.

(8)(a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice or the approval or disapproval of any landscape plan or permit or watershed analysis may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his or her request with the department and the attorney general. The attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

**NEW SECTION. Sec. 903. In order to facilitate healthy streams and foster salmonid recovery efforts, the department of natural resources shall conduct a survey of publicly held lands in Washington with unconfined avulsing streams as defined in section 301 of this act that do not have sufficient forest canopy to adequately shade such streams. By January 1, 2001, the department shall report such findings to the legislature along with the reasons for the lack of canopy and an estimate of the resources needed and a schedule for reforestation of such lands.*

*Sec. 903 was vetoed. See message at end of chapter.

PART X FOREST PRACTICES BOARD COMPOSITION

Sec. 1001. RCW 76.09.030 and 1995 c 399 s 207 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

- (a) The commissioner of public lands or the commissioner's designee;
- (b) The director of the department of community, trade, and economic development or the director's designee;
- (c) The director of the department of agriculture or the director's designee;
- (d) The director of the department of ecology or the director's designee;
- (e) The director of the department of fish and wildlife or the director's designee;

(f) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on the member's continued service as an elected county official; and

~~((#))~~ (g) Six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.

(2) The director of the department of fish and wildlife's service on the board may be terminated two years after the effective date of this section if the legislature finds that after two years the department has not made substantial progress toward integrating the laws, rules, and programs governing forest practices, chapter 76.09 RCW, and the laws, rules, and programs governing hydraulic projects, chapter 75.20 RCW. Such a finding shall be based solely on whether the department of fish and wildlife makes substantial progress as defined in this subsection, and will not be based on other actions taken as a member of the board. Substantial progress shall include recommendations to the legislature for closer integration of the existing rule-making authorities of the board and the department of fish and wildlife, and closer integration of the forest practices and hydraulics permitting processes, including exploring the potential for a consolidated permitting process. These recommendations shall be designed to resolve problems currently associated with the existing dual regulatory and permitting processes.

(3) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his or her successor is appointed and qualified. The commissioner of public lands or the commissioner's designee shall be the chairman of the board.

~~((#))~~ (4) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

~~((#))~~ (5) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.250. Each member shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

~~((#))~~ (6) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

PART XI WATER QUALITY COORDINATION

Sec. 1101. RCW 90.48.420 and 1975 1st ex.s. c 200 s 13 are each amended to read as follows:

(1) The department of ecology, pursuant to powers vested in it previously by chapter 90.48 RCW and consistent with the policies of said chapter and RCW 90.54.020(3), shall be solely responsible for establishing water quality standards

for waters of the state. On or before January 1, 1975, the department of ecology shall examine existing ~~((regulations))~~ rules containing water quality standards and other applicable rules ~~((and regulations))~~ of said department pertaining to waters of the state affected by nonpoint sources of pollution arising from forest practices and, when it appears appropriate to the department of ecology, modify said ~~((regulations))~~ rules. In any such examination or modification the department of ecology shall consider such factors, among others, as uses of the receiving waters, diffusion, down-stream cooling, and reasonable transient and short-term effects resulting from forest practices.

~~((Promulgation))~~ Adoption of forest practices ~~((regulations))~~ rules pertaining to water quality by ~~((the department of ecology and))~~ the forest practices board~~((;))~~ shall be accomplished after reaching agreement with the director of the department or the director's designee on the board. Adoption shall be accomplished so that compliance with such forest practice ~~((regulations))~~ rules will achieve compliance with water pollution control laws.

(2) The department of ecology shall monitor water quality to determine whether revisions in such water quality standards or revisions in such forest practices ~~((regulations))~~ rules are necessary to accomplish the foregoing result, and either ~~((promulgate))~~ adopt appropriate revisions to such water quality standards or propose appropriate revisions to such forest practices ~~((regulations))~~ rules or both.

(3) Notwithstanding any other provisions of chapter 90.48 RCW or of the rules ~~((and regulations promulgated))~~ adopted thereunder, no permit system pertaining to nonpoint sources of pollution arising from forest practices shall be authorized, and no civil or criminal penalties shall be imposed with respect to any forest practices conducted in full compliance with the applicable provisions of RCW 76.09.010 through 76.09.280, forest practices ~~((regulations))~~ rules, and any approvals or directives of the department of natural resources thereunder.

(4) Prior to the department of ecology taking action under statutes or ~~((regulations))~~ rules relating to water quality, regarding violations of water quality standards arising from forest practices, the department of ecology shall notify the department of natural resources.

PART XII STATE ENVIRONMENTAL POLICY ACT

NEW SECTION. Sec. 1201. A new section is added to chapter 43.21C RCW to read as follows:

(1) Decisions pertaining to the following kinds of actions under chapter . . . , Laws of 1999 1st sp. sess. (this act) are not subject to any procedural requirements implementing RCW 43.21C.030(2)(c): (a) Approval of forest road maintenance and abandonment plans under chapter 76.09 RCW and RCW 75.20.100; (b) approval by the department of natural resources of future timber harvest schedules involving east-side clear cuts under rules implementing chapter 76.09 RCW; (c) acquisitions of forest lands in stream channel migration zones under RCW

76.09.040; and (d) acquisitions of conservation easements pertaining to forest lands in riparian zones under section 504 of this act.

(2) For purposes of the department's threshold determination on a watershed analysis, the department shall not make a determination of significance unless the prescriptions themselves, compared to rules or prescriptions in place prior to the analysis, will cause probable significant adverse impact on elements of the environment other than those addressed in the watershed analysis process. Nothing in this subsection shall be construed to effect the outcome of pending litigation regarding the department's authority in making a threshold determination on a watershed analysis.

PART XIII FEDERAL ASSURANCES

NEW SECTION. Sec. 1301. A new section is added to chapter 75.46 RCW under the subchapter heading "federal assurances related to forest practices conducted under the state salmon recovery strategy" to read as follows:

(1) Chapter . . . , Laws of 1999 1st sp. sess. (this act) has been enacted on the assumption that the federal assurances described in the forests and fish report as defined in RCW 76.09.020 will be obtained and that forest practices conducted in accordance with chapter . . . , Laws of 1999 1st sp. sess. (this act) and the rules adopted under chapter . . . , Laws of 1999 1st sp. sess. (this act) will not be subject to additional regulations or restrictions for aquatic resources except as provided in the forests and fish report.

(2) The occurrence of any of the following events shall constitute a failure of assurances:

(a) Either (i) the national marine fisheries service or the United States fish and wildlife service fails to promulgate an effective rule under 16 U.S.C. Sec. 1533(d) covering each aquatic resource that is listed as threatened under the endangered species act within two years after the date on which the aquatic resource is so listed or, in the case of bull trout, within two years after the effective date of this section; or (ii) any such rule fails to permit any incidental take that would occur from the conduct of forest practices in compliance with the rules adopted under chapter . . . , Laws of 1999 1st sp. sess. (this act) or fails to confirm that such forest practices would not otherwise be in violation of the endangered species act and the regulations promulgated under that act. However, this subsection (2)(a) is not applicable to any aquatic resource covered by an incidental take permit described in (c) of this subsection;

(b) Either the national marine fisheries service or the United States fish and wildlife service shall promulgate an effective rule under 16 U.S.C. Sec. 1533(d) covering any aquatic resource that would preclude the conduct of forest practices consistent with the prescriptions outlined in the forests and fish report. However, this subsection (2)(b) is not applicable to any aquatic resource covered by an incidental take permit described in (c) of this subsection;

(c) Either the secretary of the interior or the secretary of commerce fails to issue an acceptable incidental take permit under 16 U.S.C. Sec. 1539(a) covering all fish and wildlife species included within aquatic resources on or before June 30, 2003. An acceptable incidental take permit will (i) permit the incidental take, if any, of all fish and wildlife species included within aquatic resources resulting from the conduct of forest practices in compliance with the prescriptions outlined in the forests and fish report; (ii) provide protection to the state of Washington and its subdivisions and to landowners and operators; (iii) not require the commitment of additional resources beyond those required to be committed under the forests and fish report; and (iv) provide "no-surprises" protection as described in 50 C.F.R. Parts 17 and 222 (1998);

(d) Either the national marine fisheries service or the United States fish and wildlife service fails to promulgate an effective rule under 16 U.S.C. Sec. 1533(d) within five years after the date on which a fish species is listed as threatened or endangered under the endangered species act which prohibits actions listed under 16 U.S.C. 1538;

(e) The environmental protection agency or department of ecology fails to provide the clean water act assurances described in appendix M to the forests and fish report; or

(f) The assurances described in (a) through (e) of this subsection are reversed or otherwise rendered ineffective by subsequent federal legislation or rulemaking or by final decision of any court of competent jurisdiction.

Upon the occurrence of a failure of assurances, any agency, tribe, or other interested person including, without limitation, any forest landowner, may provide written notice of the occurrence of such failure of assurances to the legislature and to the office of the governor. Promptly upon receipt of such a notice, the governor shall review relevant information and if he or she determines that a failure of assurances has occurred, the governor shall make such a finding in a written report with recommendations and deliver such report to the legislature. Upon notice of the occurrence of a failure of assurances, the legislature shall review chapter . . . , Laws of 1999 1st sp. sess. (this act), all rules adopted by the forest practices board, the department of ecology, or the department of fish and wildlife at any time after January 1, 1999, that were adopted primarily for the protection of one or more aquatic resources and affect forest practices and the terms of the forests and fish report, and shall take such action, including the termination of funding or the modification of other statutes, as it deems appropriate.

(3) The governor may negotiate with federal officials, directly or through designated representatives, on behalf of the state and its agencies and subdivisions, to obtain assurances from federal agencies to the effect that compliance with the forest practices rules as amended under chapter . . . , Laws of 1999 1st sp. sess. (this act) and implementation of the recommendations in the forests and fish report will satisfy federal requirements under the endangered species act and the clean water act and related regulations, including the negotiation of a rule adopted under

section 4(d) of the endangered species act, entering into implementation agreements and receiving incidental take permits under section 10 of the endangered species act or entering into other intergovernmental agreements.

**PART XIV
MISCELLANEOUS**

NEW SECTION. Sec. 1401. RCW 90.28.150 (Improving streams for logging) and 1891 c 120 s 1 are each repealed.

NEW SECTION. Sec. 1402. A new section is added to chapter 76.09 RCW to read as follows:

The forests and fish account is created in the state treasury. Receipts from appropriations, federal grants, and gifts from private organizations and individuals or other sources may be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for the establishment and operation of the small forest landowner office under section 503 of this act, the purchase of easements under section 504 of this act, the purchase of lands under RCW 76.09.040, or other activities necessary to implement chapter . . . , Laws of 1999 1st sp. sess. (this act).

NEW SECTION. Sec. 1403. Part headings used in this act are not any part of the law.

****NEW SECTION. Sec. 1404. If by December 31, 2004, harvest levels of Snake river fall chinook salmon, Lower Columbia river wild chinook salmon and Willamette river spring chinook salmon in Alaskan waters are not reduced twenty-five percent from 1997 harvest levels, this act is null and void.***

***Sec. 1404 was vetoed. See message at end of chapter.**

NEW SECTION. Sec. 1405. Sections 201, 202, and 203 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

Passed the House May 19, 1999.

Passed the Senate May 17, 1999.

Approved by the Governor June 7, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State June 7, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 903 and 1404, Engrossed Substitute House Bill No. 2091 entitled:

"AN ACT Relating to forest practices as they affect the recovery of salmon and other aquatic resources;"

Engrossed Substitute House Bill No. 2091 establishes legislative direction for the use of the Forest and Fish Report of February 1999, prepared by the Forest Practices Board, to protect salmon habitat and water quality.

Section 903 of the bill would direct the Department of Natural Resources to evaluate certain publicly held lands, report the reasons those lands may not provide sufficient shade

to streams, and estimate the resources needed to reforest the lands. This activity would involve considerable staff time and expense (approximately \$250,000) and money for it was not included in the budget passed by the legislature. Given the funding strain already inherent in the requirements of this legislation, I prefer to veto this section.

Section 1404 of the bill would make this act null and void if harvest levels of certain salmon runs in Alaskan waters were not reduced by twenty-five percent by December 31, 2004. This section was added to the bill immediately prior to final passage and was not part of the negotiated package. It is vague and ambiguous. Further, it would provide an unnecessary linkage between two distinct elements of a comprehensive salmon protection strategy. It would jeopardize the goal of long-term certainty intended with this legislation, risk the loss of federal assurances against certain types of lawsuits due to the incidental take of salmon, and make unworkable long-term incentive programs such as the forestry riparian easement program.

For these reasons, I have vetoed sections 903 and 1404 of Engrossed Substitute House Bill No. 2091. With the exception of sections 903 and 1404, ESHB 2091 is approved."

CHAPTER 5

[House Bill 2303]

TIMBER TAX CREDIT—EFFECTIVE DATE

AN ACT Relating to the effective date of the timber tax credit enacted during 1999; and amending RCW 84.33.— (1999 sp.s. c . . . (ESHB 2091) s 401).

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 84.33.— and 1999 c . . . (ESHB 2091) s 401 are each amended to read as follows:

(1) A taxpayer is allowed a credit against the tax imposed under RCW 84.33.041 for timber harvested on and after January 1, 2000, under a forest practices notification filed or application approved under RCW 76.09.050 and subject to enhanced aquatic resources requirements.

(2)(a) For a person other than a small harvester who elects to calculate tax under RCW 84.33.074, the credit is equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by eight-tenths of one percent.

(b) For a small harvester who elects to calculate tax under RCW 84.33.074, the credit is equal to sixteen percent of the tax imposed under this chapter.

(c) The amount of credit claimed by a taxpayer under this section shall be reduced by the amount of any compensation received from the federal government for reduced timber harvest due to enhanced aquatic resource requirements. If the amount of compensation from the federal government exceeds the amount of credit available to a taxpayer in any reporting period, the excess shall be carried forward and applied against credits in future reporting periods. This subsection does not apply to small harvesters as defined in RCW 84.33.073.

(d) Refunds may not be given in place of credits. Credit may not be claimed in excess of tax owed. The department of revenue shall disallow any credits, used or unused, upon written notification from the department of natural resources of a final decision that timber for which credit was claimed was not harvested under

a forest practices notification filed or application approved under RCW 76.09.050 and subject to enhanced aquatic resources requirements.

(3) As used in this section, a forest practice notification or application is subject to enhanced aquatic resource requirements if it includes, in whole or in part, riparian area, wetland, or steep or unstable slope from which the operator is limited, by rule adopted under sections 201 through 204 (~~(of this act)~~), chapter . . . (Engrossed Substitute House Bill No. 2091), Laws of 1999 sp. sess. or any federally approved habitat conservation plan or department of natural resources approved watershed analysis, from harvesting timber, or if a road is included within or adjacent to the area covered by such notification or application and the road is covered by a road maintenance plan approved by the department of natural resources under rules adopted under chapter 76.09 RCW, the forest practices act, or a federally approved habitat conservation plan.

(4) For forest practices notification or applications submitted after January 1, 2000, the department of natural resources shall indicate whether the notification or application is subject to enhanced aquatic resource requirements and, unless notified of a contrary determination by the forest practices appeals board, the department of revenue shall use such indication in determining the credit to be allowed against the tax assessed under RCW 84.33.041. The department of natural resources shall develop revisions to the form of the forest practices notifications and applications to provide a space for the applicant to indicate and the department of natural resources to confirm or not confirm, whether the notification or application is subject to enhanced aquatic resource requirements. For forest practices notifications or applications submitted before January 1, 2000, the applicant may submit the approved notification or application to the department of natural resources for confirmation that the notification or application is subject to enhanced aquatic resource requirements. Upon any such submission, the department of natural resources will within thirty days confirm or deny that the notification or application is subject to enhanced aquatic resource requirements and will forward separate evidence of each confirmation to the department of revenue. Unless notified of a contrary ruling by the forest practices appeals board, the department of revenue shall use the separate confirmations in determining the credit to be allowed against the tax assessed under RCW 84.33.041.

(5) A refusal by the department of natural resources to confirm that a notification or application is subject to enhanced aquatic resources requirements may be appealed to the forest practices appeals board under RCW 76.09.220.

(6) A person receiving approval of credit must keep records necessary for the department of revenue to verify eligibility under this section.

Passed the House May 18, 1999.

Passed the Senate May 18, 1999.

Approved by the Governor June 7, 1999.

Filed in Office of Secretary of State June 7, 1999.

CHAPTER 6

[Engrossed Substitute House Bill 1004]
TRANSIENT SEX OFFENDERS

AN ACT Relating to transient sex offenders; reenacting and amending RCW 9A.44.130; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. It is the intent of this act to revise the law on registration of sex and kidnapping offenders in response to the case of *State v. Pickett*, Docket number 41562-0-1. The legislature intends that all sex and kidnapping offenders whose history requires them to register shall do so regardless of whether the person has a fixed residence. The lack of a residential address is not to be construed to preclude registration as a sex or kidnapping offender. The legislature intends that persons who lack a residential address shall have an affirmative duty to report to the appropriate county sheriff, based on the level of risk of offending.

Sec. 2. RCW 9A.44.130 and 1998 c 220 s 1 and 1998 c 139 s 1 are each reenacted and amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: ~~((a))~~ (i) Name; ~~((b))~~ (ii) address; ~~((c))~~ (iii) date and place of birth; ~~((d))~~ (iv) place of employment; ~~((e))~~ (v) crime for which convicted; ~~((f))~~ (vi) date and place of conviction; ~~((g))~~ (vii) aliases used; ~~((h))~~ (viii) social security number; ~~((i))~~ (ix) photograph; and ~~((j))~~ (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of

corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section.

(vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks a fixed residence and leaves the county in which he or she is registered and

enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION. Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection ~~((9))~~ (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. If any person required to register pursuant to this section moves out of Washington state, the person must also send written notice within ten days of moving to the new state or a foreign country to the county sheriff with whom the person last registered in Washington state. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report in person to the sheriff of the county where he or she is registered. If he or she has been classified as a risk level I sex or kidnapping offender, he or she must report monthly. If he or she has been classified as a risk level II or III sex or kidnapping offender, he or she must report weekly. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within fourteen days after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

~~((7))~~ (8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

~~((8))~~ (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means any offense defined as a sex offense by RCW 9.94A.030 and any violation of RCW 9.68A.040 (sexual exploitation of a minor), 9.68A.050 (dealing in depictions of minor engaged in sexually explicit conduct), 9.68A.060 (sending, bringing into state depictions of minor engaged in sexually explicit conduct), 9.68A.090 (communication with minor for immoral purposes), 9.68A.100 (patronizing juvenile prostitute), or 9A.44.096 (sexual misconduct with a minor in the second degree), as well as any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030.

(b) "Kidnapping offense" means the crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent.

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

~~((9))~~ (10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House May 19, 1999.

Passed the Senate May 19, 1999.

Approved by the Governor June 7, 1999.

Filed in Office of Secretary of State June 7, 1999.

CHAPTER 7

[Engrossed Substitute House Bill 2247]

OIL SPILL RESPONSE TAX

AN ACT Relating to the oil spill response tax; amending RCW 82.23B.020 and 90.56.510; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 82.23B.020 and 1997 c 449 s 2 are each amended to read as follows:

(1) An oil spill response tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of one cent per barrel of crude oil or petroleum product received.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of receiving crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately after receipt of the same into the storage tanks of a marine terminal from a waterborne vessel or barge at the rate of four cents per barrel of crude oil or petroleum product.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the taxpayer. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the taxpayer may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the oil spill administration account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than ~~((ten))~~ nine million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than ~~((nine))~~ eight million dollars.

Sec. 2. RCW 90.56.510 and 1997 c 449 s 3 are each amended to read as follows:

(1) The oil spill administration account is created in the state treasury. All receipts from RCW 82.23B.020(2) shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. If, on the first day of any

calendar month, the balance of the oil spill response account is greater than ~~((ten))~~ nine million dollars and the balance of the oil spill administration account exceeds the unexpended appropriation for the current biennium, then the tax under RCW 82.23B.020(2) shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under RCW 82.23B.020(2) is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the biennium ending June 30, ~~((1997))~~ 1999, and the biennium ending June 30, 2001, the state treasurer may transfer a total of up to (((\$1,718,000)) one million dollars from the oil spill response account to the oil spill administration account to support appropriations made from the oil spill administration account in the omnibus ~~((and transportation))~~ appropriations act~~((s))~~ adopted not later than June 30, ~~((1997))~~ 1999.

(2) Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.46 RCW. Starting with the 1995-1997 biennium, the legislature shall give activities of state agencies related to prevention of oil spills priority in funding from the oil spill administration account. Costs of administration include the costs of:

- (a) Routine responses not covered under RCW 90.56.500;
- (b) Management and staff development activities;
- (c) Development of rules and policies and the state-wide plan provided for in RCW 90.56.060;
- (d) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;
- (e) Interagency coordination and public outreach and education;
- (f) Collection and administration of the tax provided for in chapter 82.23B RCW; and
- (g) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 3. The house of representatives, jointly with the senate, shall convene the Washington waters oil spill risk reduction work group. The work group shall develop recommendations for an oil spill risk management plan and maintaining maritime commerce for all Washington shipping corridors.

The work group shall: (1) identify risk reduction measures already in place and build upon this work and the work of the scoping risk assessment; (2) identify new safety measures and determine if they are needed; (3) make an evaluation of the international tug of opportunity system; (4) evaluate current state, federal, and Canadian studies pertaining to marine safety, environmental protection, and the viability of maritime commerce in Washington state and the adjoining waters of the province of British Columbia; (5) evaluate the United States coast guard cost-benefit analysis of extending escorts or establishing a dedicated rescue tug; and (6)

evaluate the port access route study, and other studies concerning marine safety and maritime commerce issues.

The work group will discuss and develop a recommended risk management plan for Washington state marine corridors after taking into consideration input from existing information and studies, ongoing initiatives, the reports of various stakeholders and experts, potential impact to the state's economy, and the cost-benefit analysis being conducted by the United States coast guard to be submitted to the legislature by December 1, 1999. The work group shall report to the legislature by January 10, 2000.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House May 17, 1999.

Passed the Senate May 19, 1999.

Approved by the Governor June 7, 1999.

Filed in Office of Secretary of State June 7, 1999.

CHAPTER 8

[Substitute House Bill 2273]

DESTROYED PROPERTY—TAXATION

AN ACT Relating to taxation of destroyed property; amending RCW 84.70.010; reenacting and amending RCW 84.69.020; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 84.70.010 and 1997 c 3 s 126 (Referendum Bill No. 47) are each amended to read as follows:

(1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor and has been reduced in value by more than twenty percent as a result of a natural disaster, the assessed value of such property shall be reduced for that assessment year by an amount determined ~~((as follows:~~

~~—(a) First take))~~ by taking the assessed value of such taxable property before destruction or reduction in value and deduct therefrom the true and fair value of the remaining property after destruction or reduction in value.

~~((b))~~ (2) Taxes levied for collection in the year in which the assessed value has been reduced under subsection (1) of this section shall be abated in whole or in part as provided in this subsection. The amount of taxes to be abated shall be determined by first multiplying the amount deducted from assessed value under subsection (1) of this section by the rate of levy applicable to the property in the tax year. Then divide ((any amount remaining)) the product by the number of days in the year and multiply the quotient by the number of days remaining in the calendar year after the date of the destruction or reduction in value of the property.

If taxes abated under this section have been paid, the amount paid shall be refunded under RCW 84.69.020. For taxes levied for collection in 1998 and 1999, this subsection (2) applies to property that is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor and has been reduced in value by more than twenty percent as a result of a natural disaster. For taxes levied for collection in 2000 through 2004, this subsection (2) applies to property that is destroyed in whole or in part, or is in an area that has been declared a federal disaster area and has been reduced in value by more than twenty percent as a result of a natural disaster. This subsection (2) does not apply to taxes levied for collection in 2005 and thereafter.

~~((2))~~ (3) No reduction in the assessed value or abatements shall be made more than three years after the date of destruction or reduction in value.

~~((3))~~ (4) The assessor shall make such reduction on his or her own motion; however, the taxpayer may make application for reduction on forms prepared by the department and provided by the assessor. The assessor shall notify the taxpayer of the amount of reduction.

~~((4))~~ (5) If destroyed property is replaced prior to the valuation dates contained in RCW 36.21.080 and 36.21.090, the total taxable value for that assessment year shall not exceed the value as of the appropriate valuation date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

(5) The taxpayer may appeal the amount of reduction to the county board of equalization within thirty days of notification or July 1st of the year of reduction, whichever is later. The board shall reconvene, if necessary, to hear the appeal.

Sec. 2. RCW 84.69.020 and 1998 c 306 s 2 and 1997 c 393 s 18 are each reenacted and amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once;
- (2) Paid as a result of manifest error in description;
- (3) Paid as a result of a clerical error in extending the tax rolls;
- (4) Paid as a result of other clerical errors in listing property;
- (5) Paid with respect to improvements which did not exist on assessment date;
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional;
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended;

(8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest;

(9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board;

(10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the

amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order;

(11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board;

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding;

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2);

(14) Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065; ~~((or))~~

(15) Paid on the basis of an assessed valuation that was reduced under RCW 84.40.039; or

(16) Abated under RCW 84.70.010.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. The county treasurer may deduct from moneys collected for the benefit of the state's levy, refunds of the state levy including interest on the levy as provided by this section and chapter 84.68 RCW.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House May 18, 1999.
Passed the Senate May 19, 1999.
Approved by the Governor June 7, 1999.
Filed in Office of Secretary of State June 7, 1999.

CHAPTER 9

[House Bill 2295]

PACKING AGRICULTURAL PRODUCTS—MANUFACTURING ACTIVITY

AN ACT Relating to stating the intent of the legislature that the activities of growing or packing agricultural products is not a manufacturing activity; amending RCW 82.04.120, 82.60.020, and 82.62.010; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 82.04.120 and 1999 c 211 s 2 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; (2) the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician; (3) cutting, delimiting, and measuring of felled, cut, or taken trees; and (4) crushing and/or blending of rock, sand, stone, gravel, or ore.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; ~~((or))~~ the growing, harvesting, or ~~((production))~~ producing of agricultural products; or packing of agricultural products, including sorting, washing, rinsing, grading, waxing, treating with fungicide, packaging, chilling, or placing in controlled atmospheric storage.

Sec. 2. RCW 82.60.020 and 1999 c 164 s 301 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th.

(4)(a) "Eligible investment project" means an investment project in an eligible area as defined in subsection (3) of this section.

(b) The lessor/owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means ~~((all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles))~~ the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 3. RCW 82.62.010 and 1999 c 164 s 305 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means an area as defined in RCW 82.60.020.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means (~~all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles~~) the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts

from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 4. This act is intended to clarify that this is the intent of the legislature both retroactively and prospectively.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the House May 18, 1999.

Passed the Senate May 19, 1999.

Approved by the Governor June 7, 1999.

Filed in Office of Secretary of State June 7, 1999.

CHAPTER 10

[Engrossed House Bill 2297]

MAXIMUM LEVY AMOUNT CALCULATIONS

AN ACT Relating to maximum levy amount calculations; adding a new section to 1999 c 309 (uncodified); providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to part V, chapter 309, Laws of 1999 (uncodified) to read as follows:

For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under chapter 309, Laws of 1999, including appropriations for salary and benefits increases, is 4.0 percent from the 1998-99 school year to the 1999-00 school year, and 3.4 percent from the 1999-00 school year to the 2000-01 school year.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the House May 18, 1999.

Passed the Senate May 18, 1999.

Approved by the Governor June 7, 1999.

Filed in Office of Secretary of State June 7, 1999.

CHAPTER 11

[Senate Bill 5670]

WATER POLLUTION CONTROL

AN ACT Relating to water pollution control; amending RCW 90.48.445; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 90.48.445 and 1995 c 255 s 3 are each amended to read as follows:

(1) The director shall issue or approve water quality permits for use by federal, state, or local governmental agencies and licensed applicators for the purpose of using, for aquatic noxious weed control, herbicides and surfactants registered under state or federal pesticide control laws, and for the purpose of experimental use of herbicides on aquatic sites, as defined in 40 C.F.R. Sec. 172.3. The issuance of the permits shall be subject only to compliance with: Federal and state pesticide label requirements, the requirements of the federal insecticide, fungicide, and rodenticide act, the Washington pesticide control act, the Washington pesticide application act, and the state environmental policy act(~~(-and)~~), except that:

(a) When the director issues water quality permits for the purpose of using glyphosate and surfactants registered by the department of agriculture to control spartina, as defined by RCW 17.26.020, the water quality permits shall contain the following criteria:

(i) Spartina treatment shall occur between June 1st and October 31st of each year unless the department, the department of agriculture, and the department of fish and wildlife agree to add additional dates beyond this period, except that no aerial application shall be allowed on July 4th or Labor Day and for ground application on those days the applicator shall post signs at each corner of the treatment area;

(ii) The applicator shall take all reasonable precautions to prevent the spraying of nontarget vegetation and nonvegetated areas;

(iii) A period of fourteen days between treatments is required prior to re-treating the previously treated areas;

(iv) Aerial or ground broadcast application shall not be made when the wind speed exceeds ten miles per hour; and

(v) An application shall not be made when a tidal regime leaves the plants dry for less than four hours.

(b) The director shall issue water quality permits for the purpose of using herbicides or surfactants registered by the department of agriculture to control aquatic noxious weeds, other than spartina, and the permit shall state that aerial and ground broadcast applications may not be made when the wind speed exceeds ten miles per hour.

(c) The director shall issue water quality permits for the experimental use of herbicides on aquatic sites, as defined in 40 C.F.R. Sec. 172.3, when the department of agriculture has issued an experimental use permit, under the authority of RCW 15.58.405(3). Because of the small geographic areas involved and the short duration of herbicide application, water quality permits issued under this subsection are not subject to state environmental policy act review.

(2) Applicable requirements established in an option or options recommended for controlling the noxious weed by a final environmental impact statement

published under chapter 43.21C RCW by the department prior to May 5, 1995, by the department of agriculture, or by the department of agriculture jointly with other state agencies shall be considered guidelines for the purpose of granting the permits issued under this chapter. This section may not be construed as requiring the preparation of a new environmental impact statement to replace a final environmental impact statement published before May 5, 1995, but instead shall authorize the department of agriculture, as lead agency for the control of spartina under RCW 17.26.015, to supplement, amend, or issue addenda to the final environmental impact statement published before May 5, 1995, which may assess the environmental impact of the application of stronger concentrations of active ingredients, altered application patterns, or other changes as the department of agriculture deems appropriate.

~~((2))~~ (3) The director of ecology may not utilize this permit authority to otherwise condition or burden weed control efforts. Except for permits issued by the director under subsection (1)(c) of this section, permits issued under this section are effective for five years, unless a shorter duration is requested by the applicant. The director's authority to issue water quality modification permits for activities other than the application of surfactants and approved herbicides, to control aquatic noxious weeds or the experimental use of herbicides used on aquatic sites, as defined in 40 C.F.R. Sec. 172.3, is unaffected by this section.

~~((3))~~ (4) As used in this section, "aquatic noxious weed" means an aquatic weed on the state noxious weed list adopted under RCW 17.10.080.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed the Senate May 19, 1999.

Passed the House May 19, 1999.

Approved by the Governor June 7, 1999.

Filed in Office of Secretary of State June 7, 1999.

CHAPTER 12

[Engrossed House Bill 2304]

SCHOOL SAFETY

AN ACT Relating to school safety programs; amending 1999 c 309 s 221 (uncodified); creating new sections; making appropriations; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The sum of four million dollars, or as much thereof as may be necessary, is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 2001, for:

(1) Alternative school start-up grants which are in addition to the grants funded in the two million dollars alternative school start-up appropriation

contained in section 501(2)(1), chapter 309, Laws of 1999, and these grants shall be awarded in the same manner and for the same purposes;

(2) School safety programs for prevention and intervention. School districts may apply for and administer these grants independently or jointly with other school districts or educational service districts. The funds may be expended for proven-effective programs to improve safety in schools, including: Security assessments of school facilities; violence prevention and reporting training for staff as appropriate to the particular duties and responsibilities of the specific staff, including administrators; nonviolence and leadership training for staff and students; and school safety plans. The educational service districts and school districts may contract for any services under this subsection.

(3) The superintendent of public instruction shall report to the education committees of the house of representatives and senate on the number and types of programs administered through these grants by February 15, 2001, and February 15th of every two years thereafter.

NEW SECTION, Sec. 2. For the fiscal biennium ending June 30, 2001, the sum of three million dollars, or as much thereof as may be necessary, is appropriated from the general fund—state to the superintendent of public instruction for matching grants to enhance security in schools. This appropriation is a supplement to the five million nine hundred twenty-three thousand dollar appropriation for school security contained in section 501(2)(e), chapter 309, Laws of 1999, and shall be expended in the same manner and for the same purposes.

NEW SECTION, Sec. 3. The biennial appropriations in sections 1 and 2 of this act shall be allotted by the office of financial management evenly between fiscal year 2000 and fiscal year 2001.

Sec. 4. 1999 c 309 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2000)	\$	((68,937,000))
		<u>65,437,000</u>
General Fund—State Appropriation (FY 2001)	\$	((69,635,000))
		<u>66,135,000</u>
General Fund—Federal Appropriation	\$	268,710,000
General Fund—Private/Local Appropriation	\$	68,648,000
Hospital Commission Account—State		
Appropriation	\$	3,128,000
Health Professions Account—State		
Appropriation	\$	37,529,000
Emergency Medical Services and Trauma Care Systems		
Trust Account—State Appropriation	\$	14,856,000
State Drinking Water Account—State		
Appropriation	\$	2,531,000

Drinking Water Assistance Account—Federal	
Appropriation	\$ 5,456,000
Waterworks Operator Certification—State	
Appropriation	\$ 593,000
Water Quality Account—State Appropriation	\$ 3,124,000
Accident Account—State Appropriation	\$ 258,000
Medical Aid Account—State Appropriation	\$ 45,000
State Toxics Control Account—State	
Appropriation	\$ 2,614,000
<u>Health Services Account Appropriation</u>	<u>\$ 7,000,000</u>
Medical Test Site Licensure Account—State	
Appropriation	\$ 1,651,000
Youth Tobacco Prevention Account—State	
Appropriation	\$ 1,804,000
Tobacco Prevention and Control Account—State	
Appropriation	\$ 620,000
TOTAL APPROPRIATION	\$ 550,139,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,434,000 of the health professions account appropriation is provided solely for the development and implementation of a licensing and disciplinary management system. Expenditures are conditioned upon compliance with section 902 of this act. These funds shall not be expended without appropriate project approval by the department of information systems.

(2) The department or any successor agency is authorized to raise existing fees charged to the nursing assistants, podiatrists, and osteopaths; for certificate of need; for temporary worker housing; for state institution inspection; for residential care facilities and for transient accommodations, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(3) \$339,000 of the general fund—state appropriation for fiscal year 2000, \$339,000 of the general fund—state appropriation for fiscal year 2001, and \$678,000 of the general fund—federal appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse. \$339,000 of the general fund—federal amount may be expended in each fiscal year of the biennium, only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

(4) \$1,685,000 of the general fund—state fiscal year 2000 appropriation and \$1,686,000 of the general fund—state fiscal year 2001 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

~~(5) ((\$4,645,000 of the general fund—state fiscal year 2000 appropriation and \$4,645,000 of the general fund—state fiscal year 2001 appropriation are provided solely for distribution to local health departments:~~

~~—(6))~~ The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

~~((7))~~ (6) \$620,000 of the tobacco prevention and control account appropriation and \$209,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5516 or, if the bill is not enacted, for the development of a sustainable, long-term, comprehensive tobacco control program. The plan shall identify a specific set of outcome measures that shall be used to track long range progress in reducing the use of tobacco. Nationally accepted measures that can be used to compare progress with other states shall be included. The plan shall emphasize programs that have demonstrated effectiveness in achieving progress towards the specified outcome measures. Components of the plan that do not have a record of success may be included, provided that the plan also includes the means of evaluating those components. The plan shall also include an inventory of existing publically funded programs that seek to prevent the use of tobacco, alcohol, or other drugs by children and youth and recommendations to coordinate and consolidate these programs in order to achieve greatest positive outcomes within total available resources. A preliminary plan shall be submitted to the appropriate committees of the legislature by December 1, 1999, with the final plan submitted by September 1, 2000.

~~((8))~~ (7) \$2,075,000 of fiscal year 2000 general fund—state appropriation and \$2,075,000 of fiscal year 2001 general fund—state appropriation are provided for the Washington poison center. The department shall require the center to develop a long range financing plan that identifies options for diversifying funding for center operations, including, but not limited to, federal grants, private sector grants and sponsorships, and multistate or regional operating agreements. The plan shall be submitted to the appropriate committees of the legislature by December 1, 2000.

~~((9))~~ (8) \$50,000 of fiscal year 2000 general fund—state appropriation and \$50,000 of fiscal year 2001 general fund—state appropriation are provided solely for fund raising and other activities for the development of early hearing loss clinics. The development plan for these clinics shall not assume ongoing general fund—state appropriations.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the House May 19, 1999.

Passed the Senate May 19, 1999.

Approved by the Governor June 11, 1999.

Filed in Office of Secretary of State June 11, 1999.

CHAPTER 13

[Second Engrossed Second Substitute Senate Bill 5595]

SALMON RECOVERY FUNDING

AN ACT Relating to salmon recovery funding; amending RCW 75.46.005, 75.46.010, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.100, 75.46.080, and 76.12.110; amending 1999 c 309 s 114 (uncodified); amending 1999 c 309 s 129 (uncodified); amending 1999 c 309 s 304 (uncodified); adding new sections to chapter 75.46 RCW; adding a new section to Title 79A RCW; creating a new section; repealing RCW 75.46.130; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 75.46.005 and 1998 c 246 s 1 are each amended to read as follows:

The legislature finds that repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert listings of salmon and steelhead runs as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, although the legislature understands that successful recovery efforts may not be realized for many years because of the life cycle of salmon and the complex array of natural and human-caused problems they face.

The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government, and that the state may best accomplish this objective by integrating local and regional recovery activities into a state-wide plan that can make the most effective use of provisions of federal laws allowing for a state lead in salmon recovery. The legislature also finds that a state-wide salmon recovery plan must be developed and implemented through an active public involvement process in

order to ensure public participation in, and support for, salmon recovery. The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat restoration is a vital component of salmon recovery efforts. Therefore, it is the intent of the legislature to specifically address salmon habitat restoration in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks.

The legislature also finds that credible scientific review and oversight is essential for any salmon recovery effort to be successful.

The legislature further finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is important to monitor salmon habitat projects and salmon recovery activities to determine their effectiveness in order to secure federal acceptance of the state's approach to salmon recovery. Adaptive management cannot exist without monitoring. For these reasons, the legislature believes that a coordinated and integrated monitoring process should be developed.

The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the salmon recovery office should be created within the governor's office to provide overall coordination of the state's response; an independent science ((team)) panel is needed to provide scientific review and oversight; a coordinated state funding process should be established through a salmon recovery funding board; the appropriate local or tribal government should provide local leadership in identifying and sequencing habitat ((restoration)) projects to be funded by state agencies; habitat ((restoration)) projects should be implemented without delay; and a strong locally based effort to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

**Sec. 2. RCW 75.46.010 and 1998 c 246 s 2 are each amended to read as follows:*

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Board" means the salmon recovery funding board created in section 3 of this act.

(3) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

~~((3))~~ (4) "Habitat project list" is the list of habitat projects resulting from the critical pathways methodology under RCW 75.46.070(2) that shall receive consideration for funding by the salmon recovery funding board. Each project on the list must have a written agreement from the landowner on whose land the project will be implemented, and must be based on the limiting factors analysis conducted in RCW 75.46.070 when completed.

(5) "Habitat projects" or "projects" include but are not limited to habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project corrective maintenance and monitoring activities. Projects that include the use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds shall receive consideration for funding.

~~((4))~~ (6) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

~~((5))~~ (7) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. ~~((These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.~~

~~(6))~~ (8) "Listed stocks" means salmon and trout stocks that are listed or proposed for listing as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

(9) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreement~~((s provided under chapter 39.34 RCW))~~, a nonprofit organization, or one or more private citizens.

~~((7))~~ (10) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production except for Atlantic salmon.

(11) "Salmon recovery activities" or "activities" includes but is not limited to habitat protection or restoration activities by local governments, tribes, other public entities, and private entities. The activities must have as a principal purpose the protection and restoration of salmonid populations. "Activities" may include: Preparation of stream corridor guidelines, programmatic permitting, and preparation of geographic information system protocols. "Activities" do not include updates related to the growth management act.

(12) "Salmon recovery plan" means a state plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

~~((#))~~ (13) "Interagency team" or "team" means the interagency review team created in RCW 75.46.080.

(14) "Tribe" or "tribes" means federally recognized Indian tribes.

~~((#))~~ (15) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

~~((H))~~ (16) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

(17) "SASSI" means the salmon and steelhead stock inventory report and appendices.

(18) "SSHIAP" means the salmon and steelhead habitat inventory and assessment project.

(19) "Technical review team" means the salmon recovery technical review team created in section 7 of this act.

*Sec. 2 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 75.46 RCW to read as follows:

(1) The salmon recovery funding board is created consisting of ten members.

(2) Five members of the board shall be voting members who are appointed by the governor, subject to confirmation by the senate. One of these voting members shall be a cabinet-level appointment as the governor's representative to the board. Board members who represent the general public shall not have a financial or regulatory interest in salmon recovery. The governor shall appoint one of the general public members of the board as the chair. The voting members of the board shall be appointed for terms of four years, except that two members initially shall be appointed for terms of two years and three members shall initially be appointed for terms of three years. In making the appointments, the governor shall seek a board membership that collectively provide the expertise necessary to provide strong fiscal oversight of salmon recovery expenditures, and that provide extensive knowledge of local government processes and functions and an understanding of issues relevant to salmon recovery in Washington state. The governor shall appoint at least three of the voting members of the board no later than ninety days after the effective date of this section. Vacant positions on the board shall be filled in the same manner as the original appointments. The governor may remove members of the board for good cause.

In addition to the five voting members of the board, the following five state officials shall serve as ex officio nonvoting members of the board: The director of the department of fish and wildlife, the executive director of the conservation commission, the secretary of transportation, the director of the department of ecology, and the commissioner of public lands. The state officials serving in an ex officio capacity may designate a representative of their respective agencies to serve on the board in their behalf. Such designations shall be made in writing and in such manner as is specified by the board.

(3) Staff support to the board shall be provided by the interagency committee for outdoor recreation. For administrative purposes, the board shall be located with the interagency committee for outdoor recreation.

(4) Members of the board who do not represent state agencies shall be compensated as provided by RCW 43.03.250. Members of the board shall be reimbursed for travel expenses as provided by RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. A new section is added to chapter 75.46 RCW to read as follows:

(1) The board is responsible for making grants and loans for salmon habitat projects and salmon recovery activities from the amounts appropriated to the board for this purpose. To accomplish this purpose the board may:

(a) Provide assistance to grant applicants regarding the procedures and criteria for grant and loan awards;

(b) Make and execute all manner of contracts and agreements with public and private parties as the board deems necessary, consistent with the purposes of this chapter;

(c) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms that are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(2) The interagency committee for outdoor recreation shall provide all necessary grants and loans administration assistance to the board, and shall distribute funds as provided by the board in section 5 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 75.46 RCW to read as follows:

(1) The board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a state-wide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 75.46.070;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species; and

(iv) Will preserve high quality salmonid habitat.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding; and

(iii) Will be implemented by a sponsor with a successful record of project implementation.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) For fiscal year 2000, the board may authorize the interagency review team to evaluate, rank, and make funding decisions for categories of projects or activities or from funding sources provided for categories of projects or activities. In delegating such authority the board shall consider the review team's staff resources, procedures, and technical capacity to meet the purposes and objectives of this chapter. The board shall maintain general oversight of the team's exercise of such authority.

(5) The board shall seek the guidance of the technical review team to ensure that scientific principles and information are incorporated into the allocation standards and into proposed projects and activities. If the technical review team determines that a habitat project list complies with the critical pathways methodology under RCW 75.46.070, it shall provide substantial weight to the list's project priorities when making determinations among applications for funding of projects within the area covered by the list.

(6) The board shall establish criteria for determining when block grants may be made to a lead entity or other recognized regional recovery entity consistent with one or more habitat project lists developed for that region. Where a lead entity has been established pursuant to RCW 75.46.060, the board may provide grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding. The board shall determine an equitable minimum amount of funds for each region, and shall distribute the remainder of funds on a competitive basis.

(7) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from

federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

NEW SECTION. Sec. 6. A new section is added to chapter 75.46 RCW to read as follows:

(1) Habitat project lists shall be submitted to the salmon recovery funding board for funding by January 1st and July 1st of each year beginning in 2000. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded by October 1st of each year beginning in 2000 for informational purposes.

(2) The interagency committee for outdoor recreation shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.

(3) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 75.46.030.

***NEW SECTION.** Sec. 7. A new section is added to chapter 75.46 RCW to read as follows:

(1) The salmon recovery technical review team is created. The technical review team is composed of no less than five members selected by the director of fish and wildlife. The director shall ensure that lead scientists representing state, tribal, federal, and local government interests are represented on the technical review team, and shall include members representing the private sector. Members of the technical review team shall have an educational and professional scientific background in salmonids, salmonid habitat, or related fields. The members of the technical review team shall not serve any fixed term. The numbers of members of the technical review team may be increased or decreased depending on the need for scientific expertise, but the technical review team must always consist of at least five members. Administrative support for the technical review team is provided by the department of fish and wildlife. Assignments and direction to the technical review team shall be made by the chair of the technical review team. The chair of the technical review team shall be designated by the members of the team.

(2) The technical review team is responsible for receiving habitat project lists submitted by lead entities under RCW 75.46.060, for screening and ranking projects on such lists, for providing its ranking of projects, within categories on a statewide basis, to the board, and determining whether the critical pathways methodology under RCW 75.46.070 has been complied with in the development and ranking of projects on the habitat project list. The technical review team shall review and rank the projects submitted from across the state for funding, organize pertinent information, and provide the board with its findings. The technical review team shall make an active effort to communicate the criteria for reviewing and ranking projects with the lead entities. The technical review team

shall make information available to lead entities regarding deficiencies in projects that result in their low ranking in the review process. The technical review team may not remove a project from a habitat project list.

(3) The technical review team is also responsible for working in conjunction with the independent science panel to develop standardized monitoring indicators and data quality guidelines for habitat projects and salmon recovery activities across the state, and for recommending criteria for the systematic and periodic evaluation of monitoring data to help ensure the effectiveness of the state's salmon recovery efforts.

*Sec. 7 was vetoed. See message at end of chapter.

Sec. 8. RCW 75.46.040 and 1998 c 246 s 5 are each amended to read as follows:

(1) The salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development of salmon recovery plans for evolutionarily significant units, and submit those plans to the appropriate tribal governments and federal agencies ~~((in response to the federal endangered species act))~~ as an integral part of a state-wide strategy developed consistent with the guiding principles and procedures under section 9 of this act. The governor's salmon recovery office may also:

(a) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's endangered species act salmon recovery plans; and

(b) Provide the biennial state of the salmon report to the legislature pursuant to RCW 75.46.030.

(2) This section expires June 30, 2006.

NEW SECTION. Sec. 9. A new section is added to chapter 75.46 RCW to read as follows:

(1) By September 1, 1999, the governor, with the assistance of the salmon recovery office, shall submit a state-wide salmon recovery strategy to the appropriate federal agencies administering the federal endangered species act.

(2) The governor and the salmon recovery office shall be guided by the following considerations in developing the strategy:

(a) The strategy should identify state-wide initiatives and responsibilities with regional and local watershed initiatives as the principal mechanism for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional

authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) Beginning on September 1, 2000, the strategy shall be updated through an active public involvement process, including early and meaningful opportunity for public comment. In obtaining public comment, the salmon recovery office shall hold public meetings throughout the state and shall encourage regional and local recovery planning efforts to similarly ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to the effective date of this section.

Sec. 10. RCW 75.46.050 and 1998 c 246 s 6 are each amended to read as follows:

(1) The governor shall request the national academy of sciences, the American fisheries society, or a comparable institution to screen candidates to serve as members on the independent science panel. The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate. The candidates shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(2) The speaker of the house of representatives and the majority leader in the senate ~~(shall)~~ may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

(3) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years. ~~((The members of the independent science panel shall be compensated~~

~~as provided in RCW 43.03.250 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060:))~~ Based upon available funding, the governor's salmon recovery office may contract for services with members of the independent science panel for compensation under chapter 39.29 RCW.

(4) The independent science panel shall be governed by generally accepted guidelines and practices governing the activities of independent science boards such as the national academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office shall request review of salmon recovery plans by the science review panel. The science ~~((review))~~ panel does not have the authority to review individual projects or habitat project lists developed under RCW 75.46.060, 75.46.070, and 75.46.080 or to make policy decisions. The panel shall periodically submit its findings and recommendations under this subsection to the legislature and the governor.

(5) The independent science panel ~~((shall submit its findings to the legislature and the governor)),~~ in conjunction with the technical review team, shall recommend standardized monitoring indicators and data quality guidelines for use by entities involved in habitat projects and salmon recovery activities across the state.

(6) The independent science panel, in conjunction with the technical review team, shall also recommend criteria for the systematic and periodic evaluation of monitoring data in order for the state to be able to answer critical questions about the effectiveness of the state's salmon recovery efforts.

(7) The recommendations on monitoring as required in this section shall be provided in a report to the governor and to the legislature by the independent science panel, in conjunction with the salmon recovery office, no later than December 31, 2000. The report shall also include recommendations on the level of effort needed to sustain monitoring of salmon projects and other recovery efforts, and any other recommendations on monitoring deemed important by the independent science panel and the technical review team. The report may be included in the biennial state of the salmon report required under RCW 75.46.030.

Sec. 11. RCW 75.46.060 and 1998 c 246 s 7 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by ~~((official))~~ resolution or by letters of support, the area for which a habitat ~~((restoration))~~ project list is to be developed and the lead entity that is to be responsible for submitting the habitat ~~((restoration))~~ project list. No project included on a habitat ~~((restoration))~~ project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups,

business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other ~~((restoration))~~ habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat ~~((restoration))~~. The ~~((interagency))~~ technical review team may provide the lead entity with organizational models that may be used in establishing the committees.

(c) The committee shall compile a list of habitat ~~((restoration))~~ projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat ~~((restoration))~~ project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIsAs, ~~((an evolutionarily significant unit,))~~ or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the technical review team in accordance with procedures adopted by the board.

Sec. 12. RCW 75.46.070 and 1998 c 246 s 8 are each amended to read as follows:

(1) Critical pathways methodology shall be used to develop a habitat project list and a habitat work schedule that ensures salmon ~~((restoration activities))~~ habitat projects will be prioritized and implemented in a logical sequential manner that produces habitat capable of sustaining healthy populations of salmon.

(2) The critical pathways methodology shall:

(a) Include a limiting factors analysis for salmon in streams, rivers, tributaries, estuaries, and subbasins in the region. The technical advisory group shall have responsibility for the limiting factors analysis;

(b) Identify local habitat projects that sponsors are willing to undertake. The projects identified must have a written agreement from the landowner on which the project is to be implemented. Project sponsors shall have the lead responsibility for this task;

(c) Identify how projects will be monitored and evaluated. The project sponsor, in consultation with the technical advisory group and the appropriate landowner, shall have responsibility for this task; ~~((and))~~

(d) Include a review of monitoring data, evaluate project performance, and make recommendations to the committee established under RCW 75.46.060 and to the technical review team. The technical advisory group has responsibility for this task; and

(e) Describe the adaptive management strategy that will be used. The committee established under RCW 75.46.060 shall have responsibility for this task.

If a committee has not been formed, the technical advisory group shall have the responsibility for this task.

(3) The habitat work ~~((list))~~ schedule shall include all projects developed pursuant to subsection (2) of this section ~~((as well as))~~, and shall identify and coordinate with any other salmon habitat ((restoration)) project implemented in the region, including habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs. The habitat work ~~((list))~~ schedule shall also include the start date, duration, estimated date of completion, estimated cost, and, if appropriate, the affected salmonid species of each project. Each schedule shall be updated on an annual basis to depict new activities.

NEW SECTION. Sec. 13. A new section is added to chapter 75.46 RCW to read as follows:

State salmon monitoring data provided by lead entities, regional fisheries enhancement groups, and others shall be included in the data base of SASSI and SSHIAP. Information pertaining to habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs related to salmon habitat shall be included in the SSHIAP data base.

Sec. 14. RCW 75.46.100 and 1998 c 246 s 11 are each amended to read as follows:

The sea grant program at the University of Washington is authorized to provide technical assistance to volunteer groups and other project sponsors in designing and ~~((performing))~~ implementing habitat ~~((restoration))~~ projects that address the limiting factors analysis ~~((of regional habitat work plans))~~ required under RCW 75.46.070. The cost for such assistance may be covered on a fee-for-service basis.

Sec. 15. RCW 75.46.080 and 1998 c 246 s 9 are each amended to read as follows:

(1) Representatives from the conservation commission, the department of transportation, the department of natural resources, the department of ecology, and the department of fish and wildlife shall establish an interagency review team. ~~((Except as provided in subsection (6) of this section,))~~ Habitat restoration project lists shall be submitted to the interagency review team by January 1st and July 1st of each year ((beginning in 1999)). The purpose of the team is to assist the salmon recovery funding board in developing procedures and standards for state-wide funding allocation, and to assist the board in reviewing funding applications to identify the highest priority projects and activities for funding.

(2) ~~((If no lead entity has been formed under RCW 75.46.060, the interagency review team shall rank, prioritize, and dispense funds for habitat restoration projects by giving preference to the projects that:~~

- ~~— (a) Provide a greater benefit to salmon recovery;~~
- ~~— (b) Will be implemented in a more critical area;~~

~~—(c) Are the most cost-effective;~~
~~—(d) Have the greatest matched, or in-kind funding; and~~
~~—(e) Will be implemented by a sponsor with a successful record of project implementation.~~

~~—(3)) If a lead entity established under RCW 75.46.060 has been formed, the interagency review team shall evaluate habitat project lists ((and may remove, but not add, projects from a habitat project list.~~

~~—(4) The interagency review team shall provide a summary of funding for habitat restoration project lists to the governor and to the legislature by December 1st of each year)) developed pursuant to RCW 75.46.060 and submitted to the board for consideration for funding. The team shall advise the board on whether the list for the area complies with the list development procedures and critical path methodology provided by RCW 75.46.060 and 75.46.070. When the board determines the list to comply with those requirements it shall accord substantial weight to the list's project priorities when making determinations among applications for funding of projects and activities within the area covered by the list. Projects that include use of side channels, off-stream rearing enhancement, improvement in overwintering habitat, or use of acclimation ponds shall receive consideration for funding.~~

~~((5)) (3) The ((interagency review team)) board may annually establish a maximum amount of funding available for any individual project, subject to available funding. ((The interagency review team shall attempt to assure a geographical balance in assigning priorities to projects.~~

~~—(6) For fiscal year 1998, the department of fish and wildlife, the conservation commission, and the department of transportation may authorize, subject to appropriations, expenditures for projects that have been developed to restore salmon habitat before completion of the project lists required in RCW 75.46.060(2).~~

~~—(7)) (4) Where a lead entity has been established pursuant to RCW 75.46.060, the ((interagency review team)) board may provide ((block)) grants to the lead entity to assist in carrying out lead entity functions under this chapter, subject to available funding.~~

(5) The interagency review team shall review, rank, and approve projects submitted for funding until January 1, 2000.

(6) This section expires July 1, 2000.

NEW SECTION. Sec. 16. A new section is added to chapter 75.46 RCW to read as follows:

The salmon recovery account is created in the state treasury. To the account shall be deposited such funds as the legislature directs or appropriates to the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for salmon recovery.

NEW SECTION. Sec. 17. A new section is added to Title 79A RCW to read as follows:

The interagency committee for outdoor recreation shall provide necessary grants and loan administration support to the salmon recovery funding board as provided in section 4 of this act. The committee shall also be responsible for tracking salmon recovery expenditures under section 6 of this act. The committee shall provide all necessary administrative support to the board, and the board shall be located with the committee. The committee shall coordinate its activities under this section with the salmon recovery technical review team created in section 7 of this act and provide necessary information to the salmon recovery office.

Sec. 18. RCW 76.12.110 and 1998 c 347 s 55 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the department.

Appropriations may be made by the legislature from the forest development account to the department for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands. ~~((For the 1997-99 fiscal biennium, moneys from the account shall be distributed as directed in the omnibus appropriations act to the beneficiaries of the revenues derived from state forest lands. Funds that accrue to the state from such a distribution shall be deposited into the salmon recovery account, hereby created in the state treasury. Funds appropriated from the salmon recovery account shall be used for efforts to restore endangered anadromous fish stocks.))~~

**Sec. 19. 1999 c 309 s 114 (uncodified) is amended to read as follows:*

FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2000)	\$	((5,762,000))
		<u>5,700,000</u>
General Fund—State Appropriation (FY 2001)	\$	((5,720,000))
		<u>5,657,000</u>
General Fund—Federal Appropriation	\$	674,000
Water Quality Account—State Appropriation	\$	700,000
TOTAL APPROPRIATION	\$	((12,856,000))
		<u>12,731,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,612,000 of the general fund—state appropriation for fiscal year 2000, \$1,588,000 of the general fund—state appropriation for fiscal year 2001, \$700,000 of the water quality account appropriation, and \$209,000 of the general fund—federal appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$465,000 of the general fund—federal appropriation and \$200,000 of the general fund—state appropriation are provided solely for the salmon recovery office to meet its responsibilities for the state-wide salmon recovery strategy. Of this amount: (a) \$200,000 of the general fund—state appropriation is provided for the operation of the independent science panel; and (b) \$465,000 of the general fund—federal appropriation is provided for the salmon recovery office staff to support local salmon recovery planning efforts. \$232,500 of the general fund—federal appropriation in this subsection may be expended in each fiscal year of the biennium only if the state receives greater than \$25,000,000 from the federal government for salmon recovery activities in that fiscal year. Funds authorized for expenditure in fiscal year 2000 may be expended in fiscal year 2001.

~~((3) \$62,000 of the fiscal year 2000 general fund—state appropriation and \$63,000 of the fiscal year 2001 general fund—state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079, establishing the salmon recovery funding board in the office of the governor. If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse:))~~

*Sec. 19 was vetoed. See message at end of chapter.

*Sec. 20, 1999 c 309 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2000)	\$	((12,791,000))
		<u>12,716,000</u>
General Fund—State Appropriation (FY 2001)	\$	((11,955,000))
		<u>11,780,000</u>
General Fund—Federal Appropriation	\$	23,340,000
General Fund—Private/Local Appropriation	\$	500,000
TOTAL APPROPRIATION	\$	((48,486,000))
		<u>48,336,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund—state appropriation for fiscal year 2000 is provided solely to evaluate and promote the use by state and local agencies of the training facilities at the Hanford reservation.

(2) Funding in this section provides for a feasibility study to collect Washington enrollment data on distance learning programs sponsored by in-state and out-of-state private institutions in cooperation with the higher

education coordinating board and the state board for community and technical colleges. Findings shall be submitted to the appropriate committees of the legislature by January 2000.

~~(3) ((\$75,000 of the fiscal year 2000 general fund—state appropriation and \$75,000 of the fiscal year 2001 general fund—state appropriation are provided solely to track and administer state and federal funding for salmon recovery allocated by the salmon recovery funding board established under Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079.~~

~~—(4)) The office of financial management, in collaboration with the institutions of higher education, the higher education coordinating board, and the state board for community and technical colleges, shall modify state information systems in order to provide consistent data on students engaged in distance learning. Higher education institutions shall provide enrollment information in support of this effort. Reporting on the numbers and categories of students enrolled in distance learning by class level and institutions shall begin by fall term, 2000. Washington independent institutions of higher education are encouraged to participate in this process and to provide distance learner enrollment data.~~

~~((5)) (4) \$1,000,000 of the general fund—state appropriation and \$500,000 of the general fund—private/local appropriation are provided solely for the commission on early learning. One-half of the amount provided from the general fund—state shall not be expended unless matched by an equal amount from private sources.~~

*Sec. 20 was vetoed. See message at end of chapter.

Sec. 21. 1999 c 309 s 304 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

<u>General Fund—State Appropriation (FY 2000)</u>	\$	<u>137,000</u>
<u>General Fund—State Appropriation (FY 2001)</u>	\$	<u>138,000</u>
Firearms Range Account—State Appropriation	\$	34,000
Recreation Resources Account—State Appropriation	\$	2,370,000
Recreation Resources Account—Federal Appropriation	\$	11,000
NOVA Program Account—State Appropriation	\$	604,000
TOTAL APPROPRIATION	\$	((3,019,000))
		<u>3,294,000</u>

The appropriations in this section are subject to the following condition and limitation: \$137,000 of the fiscal year 2000 general fund—state appropriation and \$138,000 of the fiscal year 2001 general fund—state appropriation are provided solely to implement Second Substitute Senate Bill No. 5595 or Engrossed Substitute House Bill No. 2079 (salmon recovery). If legislation establishing the board is not enacted by June 30, 1999, the amounts provided in this subsection shall lapse.

***NEW SECTION. Sec. 22. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Salmon Recovery Grants Program (00-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire \$119,928,000 appropriation is provided solely to the salmon recovery funding board to provide grants to local governments, state agencies, tribes, conservation districts, private landowners, and nonprofit entities for salmon recovery activities pursuant to chapter . . . (House Bill No. 2079), Laws of 1999 sp. sess. or chapter . . . (Senate Bill No. 5595), Laws of 1999 sp. sess. If neither chapter . . . (House Bill No. 2079), Laws of 1999 sp. sess. nor chapter . . . (Senate Bill No. 5595), Laws of 1999 are enacted by June 30, 1999, the amount provided in this section shall lapse.

(2) Up to \$19,650,000 of the general fund—federal appropriation is provided for grants to local governments for salmon recovery in accordance with a grant from the department of interior, United States fish and wildlife service received in December 1998.

(3) \$6,200,000 of the state building construction account, \$14,380,000 of the salmon recovery account, and \$55,238,000 of the general fund—federal appropriation shall be distributed by the salmon recovery funding board within the following categories:

(a) A minimum of twenty-four percent shall be provided for fish passage barrier correction and fish screens to protect fish;

(b) A minimum of thirty-eight percent shall be provided for habitat projects;

(c) A minimum of thirty-eight percent shall be provided to purchase riparian easements to restore and to protect environmentally sensitive land in riparian areas to protect water quality and improve salmon and steelhead habitat. The salmon recovery funding board shall adopt rules for the implementation of this subsection consistent with the requirements of the conservation reserve enhancement program, except the eligibility is not limited to agricultural lands and contracts may exceed fifteen years in duration. It is the intent of the legislature that this appropriation will be used primarily for landowners that do not qualify for the federal conservation reserve enhancement program. The appropriation in this subsection shall not be used for fee simple land acquisition.

(4) \$9,930,000 of the salmon recovery account appropriation is provided solely for planning and engineering activities. The appropriation in this subsection shall be distributed as follows:

(a) \$2,100,000 shall be available for grants to cities and counties for the protection of critical areas using nonregulatory programs;

(b) \$500,000 for the southwest Washington salmon recovery region;

(c) \$1,500,000 for the people for salmon nonprofit organization;

(d) \$830,000 for conservation district activities to implement the Puget Sound plan;

- (e) \$1,000,000 for monitoring salmon restoration projects and activities;*
- (f) \$400,000 for technical assistance to landowners to implement the natural resources conservation service field office technical guide standards;*
- (g) \$800,000 for the development of stream corridor guidelines for salmon recovery and habitat restoration;*
- (h) \$1,100,000 for contracted engineering services for habitat projects; and*
- (i) \$1,700,000 for salmonid screening, habitat enhancement, and restoration program.*

(5) \$6,530,000 of the salmon recovery account and up to \$8,000,000 the general fund—federal appropriation is provided for salmon recovery efforts. The appropriation in this subsection shall be distributed as follows:

(a) \$50,000 of the salmon recovery account is for developing selective harvesting techniques and equipment;

(b) \$150,000 of the salmon recovery account is for developing and implementing methods for reducing the by-catch of salmon and other endangered or threatened species;

(c) \$6,330,000 of the salmon recovery account is for the jobs for the environment program; and

(d) Up to \$8,000,000 of the general fund—federal appropriation is for commercial license buy-back.

(i) If federal grants for salmon recovery efforts are equal to or less than \$50,000,000 during the 1999-01 fiscal biennium, then \$4,000,000 may be expended for the purpose of this subsection.

(ii) If federal grants for salmon recovery efforts are more than \$50,000,000 during the 1999-01 fiscal biennium, then up to \$8,000,000 may be expended for the purposes of this subsection.

(iii) The amount in this subsection is provided solely to buy back commercial licenses for Washington-based commercial salmon fishers who fish in Washington or Alaska and who directly target or incidentally catch a threatened or endangered salmon species. Any expenditure from the amount in this subsection used in connection with a license buy-back program in another state must be matched by an equal amount of non-Washington state sources. Washington-based Alaska trollers' licenses may be bought back only if the state or states buying the license affirms that at least seventy-five percent of the seller's historic catch is allowed to pass through Alaskan waters. The amount in this subsection may also be used as grants for programs that combine license buy-back with programs that facilitate the funding of a conversion to selective fishing methods.

(6) A final list of projects funded with appropriations from this section shall be submitted to the office of financial management and the legislature by June 30th of each year.

Appropriation:

General Fund—Federal	\$ 82,888,000
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State Building Construction Account—	
State	\$ 6,200,000
Salmon Recovery Account	\$ 30,840,000
Subtotal Appropriation	\$ 119,928,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 119,928,000

*Sec. 22 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 23. RCW 75.46.130 (Appropriated funds) and 1998 c 246 s 17 are each repealed.

NEW SECTION. Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

Passed the Senate May 19, 1999.

Passed the House May 18, 1999.

Approved by the Governor June 11, 1999, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State June 11, 1999.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 2, 7, 19, 20, 22(3), 22(4), and 22(5), Second Engrossed Second Substitute Senate Bill No. 5595 entitled:

"AN ACT Relating to salmon recovery funding;"

Second Engrossed Second Substitute Senate Bill No. 5595 establishes a Salmon Recovery Funding Board (Board) to oversee \$119,928,000 in state and federal money dedicated to salmon recovery. The primary purposes of this legislation are to promote public oversight of funding for salmon recovery and to provide a coordinated state funding process.

Taxpayers, the federal government, and the Legislature demand and deserve greater accountability for the large sums of money we currently spend and will spend in the future on salmon recovery activities in our state. The Legislature has chosen to create the Board to oversee the selection of science-based salmon recovery projects and to make certain that the taxpayers' money is wisely spent. Clearly, the best projects are those that will bring back or protect the most fish.

A strong Board consisting of knowledgeable and concerned citizens from across our state is essential to the success of our statewide efforts to restore salmon runs. This legislation appropriately endows the Board with the broad powers necessary to oversee allocation of the salmon funding and to ensure that projects get done on time, stay within budget and achieve results for salmon.

In section 22 of this bill, however, the Legislature would have defeated the purpose of the Board by taking away its real authority and responsibility. Section 22 would have specifically allocated every single dollar of the salmon recovery money. Such allocation is contrary to giving the Board the responsibility to approve and finance those projects that will have the largest beneficial impact. This detailed itemization of appropriations and projects makes it almost superfluous to have a Board. It is our responsibility to make certain that there is strict accountability for the chosen projects and the money spent on

them. Only a strong Board, with the authority and discretion, can do this. Further, after personally consulting with members of our congressional delegation - from both parties - I am convinced that our receipt of federal funds to restore salmon in our state would be placed in serious jeopardy without these vetoes. Members of our congressional delegation and local groups committed to salmon recovery have great expressed concern about our ability to have an effective salmon recovery plan if every dollar is pre-allocated.

For these reasons, I am compelled to veto several sections of 2E2SSB 5595 as follows:

Section 2 of the bill would have added new, important and necessary definitions to the salmon recovery statutes. However, one change would have prohibited funding updates related to the Growth Management Act, which are necessary components of salmon recovery and should not be excluded from funding.

Section 7 of the bill would create a Technical Review Team (Team) to establish funding criteria and policies, and to review requests for funding grants on behalf of the Board. Under section 7, the Team would be appointed by the Director of the Department of Fish and Wildlife and he staffed by that department. However, the Board is staffed by the Interagency Committee for Outdoor Recreation (IAC), and the IAC is to administer contracts approved by the Board. The Team would be a new scientific review group when we already have at least two other salmon recovery science entities. I agree that the function of the Team is essential to the success of salmon recovery projects, and that we should fully utilize the scientific and other expertise in the Department of Fish and Wildlife. But the scientific review and all other parts of our salmon recovery need to be part of a unified structure. Accordingly, I am requesting the director of the IAC, in consultation with the Director of the Department of Fish and Wildlife and the chair of the Board, to examine all of the various scientific and technical review groups, with the goal of recommending a comprehensive streamlined mechanism to handle the scientific aspects of salmon recovery. Additionally, I request a recommendation of an appropriate project review structure within the IAC and a report back to me on both tasks by July 15, 1999.

Sections 19 and 20 of this legislation would have removed funding for the Governor's Office and the Office of Financial Management related to the implementation of this act. My office and OFM have fundamental responsibilities related to salmon recovery and, accordingly, I have vetoed these sections to retain their funding.

Section 22 of the bill would provide a full and detailed allocation of how each of the \$119,928,000 in state and federal funding for salmon recovery is to be spent. Many of the projects are worthwhile and I will request that the Board consider and give appropriate deference to the allocation provisions in section 22. However, we must preserve the Board's authority to make fundamental decisions about how state and federal salmon recovery money is to be spent, to ensure the recovery and preservation of our wild salmon.

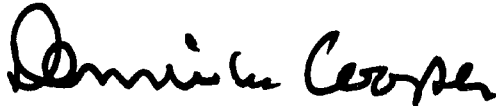
For these reasons, I have vetoed sections 2, 7, 19, 20, 22(3), 22(4), and 22(5) of Second Engrossed Second Substitute Senate Bill No. 5595.

With the exception of sections 2, 7, 19, 20, 22(3), 22(4), and 22(5), Second Engrossed Second Substitute Senate Bill No. 5595 is approved."

AUTHENTICATION

I, Dennis W. Cooper, Code Reviser of the State of Washington, certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 1999 first special session (56th Legislature), chapters 1 through 13, respectively, as certified and transmitted to the Statute Law Committee by the Secretary of State under RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 18th day of June, 1999.

A handwritten signature in black ink that reads "Dennis W. Cooper". The signature is written in a cursive style with a large initial "D".

DENNIS W. COOPER
Code Reviser

**CONSTITUTIONAL
AMENDMENTS**

FOR NOVEMBER 1999 BALLOT

PROPOSED CONSTITUTIONAL AMENDMENTS, 1999 SJR 8206

**PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1999 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1999**

SENATE JOINT RESOLUTION 8206

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII, section 1 of the Constitution of the state of Washington to read as follows:

Article VIII, section 1. (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any

department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection ~~((f))~~ (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.

(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.

(f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection ~~((g))~~ (h) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

~~((f))~~ (g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: *Provided*, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

~~((g))~~ (h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

~~((h))~~ (i) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the

PROPOSED CONSTITUTIONAL AMENDMENTS, 1999 SSJR 8208

state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

~~((+))~~ (j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

~~((+))~~ (k) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

~~((+))~~ (l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate April 22, 1999

Passed the House April 14, 1999

Filed in the Office of Secretary of State April 26, 1999

**PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 1999 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 1999**

SUBSTITUTE SENATE JOINT RESOLUTION 8208

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and

SSJR 8208 PROPOSED CONSTITUTIONAL AMENDMENTS, 1999

ratification, or rejection, an amendment to Article XXIX, section 1 of the Constitution of the state of Washington to read as follows:

Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund ~~((or))~~, industrial insurance trust fund, or the emergency reserve fund may be invested as authorized by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate March 17, 1999

Passed the House April 25, 1999

Filed in the Office of Secretary of State April 27, 1999

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"PV" Denotes partial veto by Governor [2391]

"E1" Denotes 1999 1st special sess.

BILL NO. TO CHAPTER NO. OF 1999 STATUTES

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"PV" Denotes partial veto by Governor [2392]

"E1" Denotes 1999 1st special sess.

BILL NO. TO CHAPTER NO. OF 1999 STATUTES

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HB	1011	27		IIB	1192	294
SHB	1013	169		HB	1194	355
EIIB	1014	310		HB	1199	170
SHB	1015	344		HB	1203	2
SIIB	1016	320		SHB	1204	225
HB	1018	28		SHB	1212	199
HB	1023	223		HB	1216	34
SIIB	1024	362		SIIB	1219	148
HB	1027	97		HB	1221	35
2SIIB	1037	289		SHB	1222	295
SHB	1041	98		SHB	1224	171
IIB	1042	290		EIIB	1232	296
IIB	1050	140		IIB	1233	403
SHB	1053	269		IIB	1238	149
EIIB	1067	141		ESHB	1245	150
SHB	1068	323		SHB	1250	368
SHB	1069	142		SHB	1251	151
HB	1073	99		HB	1261	395
SIIB	1075	29		EHB	1263	152
HB	1080	391		EHB	1264	153
HB	1092	30		SHB	1282	297
HB	1106	31		SIIB	1289	36
SHB	1113	333		SHB	1291	298
2SHB	1116	354		SHB	1294	6
SHB	1124	5		IIB	1297	37
SHB	1125	1	EI PV	HB	1299	324
ESHB	1131	327		SHB	1304	268
2SHB	1132	343		HB	1310	154
SHB	1133	100		EHB	1313	299
IIB	1139	32		HB	1321	200
2SHB	1140	345		HB	1322	201
HB	1142	143		SHB	1324	202
E2SHB	1143	325		HB	1330	155
SHB	1149	33		HB	1331	59
HB	1150	144		SHB	1345	203
EHB	1151	291		SHB	1371	172
HB	1152	145		HB	1372	78
SHB	1153	198		HB	1378	359
HB	1154	224		HB	1388	349
SHB	1158	146		HB	1394	60
SHB	1163	292		ESHB	1407	173
SHB	1165	379	PV	HB	1413	102
				HB	1420	226

"PV" Denotes partial veto by Governor [2393]

"E1" Denotes 1999 1st special sess.

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Number	Chapter Number Laws of 1999		Number	Chapter Number Laws of 1999	
HB	1421	227	SHB	1668	160
HB	1422	228	SHB	1671	107
HB	1425	61	SHB	1673	304
HB	1432	300	SHB	1677	234
HB	1442	328	2SHB	1681	363
EHB	1459	62	2SHB	1686	108
HB	1463	204	HB	1699	364
ESHB	1471	156	SHB	1701	341
E2SHB	1477	315	HB	1703	210
E2SHB	1484	353	2SHB	1716	235
SHB	1485	205	SHB	1718	161
SHB	1490	103	2SHB	1729	177
HB	1491	63	HB	1734	66
E2SHB	1493	267	HB	1741	357
SHB	1494	229	SHB	1744	162
HB	1495	230	SHB	1747	305
ESHB	1514	174	HB	1757	329
HB	1524	394	HB	1761	387
SHB	1525	360	HB	1766	109
SHB	1535	64	SHB	1770	348
HB	1539	334	SHB	1774	272
HB	1542	39	SHB	1777	236
HB	1544	352	ESHB	1798	385
2SHB	1546	175	HB	1810	339
ESHB	1547	104	SHB	1811	178
HB	1549	400	HB	1819	101
HB	1550	301	SHB	1826	237
HB	1554	206	HB	1827	365
HB	1556	231	HB	1831	313
SHB	1559	207	EHB	1832	314
SHB	1560	40	HB	1833	386
HB	1561	208	SHB	1838	179
ESHB	1562	302	EHB	1845	110
SHB	1569	347	SHB	1848	306
HB	1584	105	HB	1849	330
SHB	1592	157	HB	1863	366
SHB	1593	158	SHB	1864	335
HB	1599	303	2SHB	1871	342
SHB	1619	338	SHB	1880	336
SHB	1620	176	ESHB	1887	211
SHB	1623	358	EHB	1894	396
HB	1642	232	SHB	1935	350
SHB	1647	233	HB	1936	340
SHB	1653	106	SHB	1951	367
HB	1654	65	ESHB	1963	9
2SHB	1661	159	SHB	1969	356
SHB	1663	397	SHB	1971	351
HB	1664	209	ESHB	1991	346

"PV" Denotes partial veto by Governor [2394]

"E1" Denotes 1999 1st special sess.

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<u>Number</u>	<u>Chapter Number</u> <u>Laws of 1999</u>	<u>Number</u>	<u>Chapter Number</u> <u>Laws of 1999</u>
SHB	1992	337	
HB	1996	111	
SHB	2005	361	
HB	2010	67	
EHB	2015	369	
HB	2052	112	
SHB	2053	271	
SHB	2054	113	
2SHB	2061	321	
SHB	2071	68	
HB	2081	307	
E2SHB	2085	166	
SHB	2086	180	
ESHB	2090	238	
ESHB	2091	4	E1 PV
ESHB	2095	383	
ESHB	2107	239	
SHB	2111	163	
HB	2116	69	
SHB	2152	181	
HB	2181	70	
HB	2200	240	
HB	2201	270	
HB	2205	114	
HB	2206	71	
HB	2207	241	
EHB	2232	115	
ESHB	2239	242	
ESHB	2247	7	E1
HB	2259	308	
ESHB	2260	311	
HB	2261	212	
HB	2264	182	
SHB	2273	8	E1
HB	2295	9	E1
EHB	2297	10	E1
HB	2303	5	E1
EHB	2304	12	E1

RCW SECTIONS AFFECTED BY 1999 STATUTES

LEGEND				RCW	CH.	SEC.
ADD	=	Add a new section		7.69.030	AMD	323 2
AMD	=	Amend existing law		7.84.010	AMD	249 502
DECD	=	Decodify existing law		7.84.020	AMD	249 503
RECD	=	Recodify existing law		8.25.020	AMD	52 1
REEN	=	Reenact existing law		9	ADD	368 1-6
REMD	=	Reenact and amend		9.04.070	AMD	143 1
REP	=	Repeal existing law		9.05.010	REP	191 4
				9.05.020	REP	191 4
				9.05.030	AMD	191 1
				9.05.040	REP	191 4
<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>	9.05.050	REP	191 4
1.16.050	AMD	26	1	9.05.060	AMD	191 2
1.50.005	AMD	264	1	9.05.070	REP	191 4
1.50.020	REP	264	4	9.05.080	REP	191 4
1.50.030	AMD	264	2	9.05.090	AMD	191 3
1.50.040	AMD	264	3	9.05.100	REP	191 4
2.06	ADD	75	2	9.05.110	REP	191 4
2.06.020	AMD	75	1	9.05.120	REP	191 4
2.08.055	AMD	245	1	9.05.130	REP	191 4
2.28	ADD	197	9	9.05.140	REP	191 4
3.50.115	AMD	152	1	9.05.150	REP	191 4
3.50.330	AMD	56	1	9.05.160	REP	191 4
3.54.030	AMD	152	2	9.05.160	REP	191 4
3.66.068	AMD	56	2	9.16	ADD	322 1,3,4
4.16.370	AMD	42	602	9.16.030	AMD	322 2
4.22	ADD	369	1	9.16.040	REP	322 7
4.24	ADD	369	2	9.40.120	AMD	352 5
4.24	ADD	316	3	9.41.042	AMD	143 2
4.24.510	AMD	54	1	9.41.070	AMD	222 2
4.24.5502	AMD	372	1	9.41.185	AMD	143 3
4.24.630	AMD	248	2	9.41.280	AMD	167 1
4.28.320	AMD	233	1	9.44.080	AMD	143 4
4.28.325	AMD	233	4	9.46.0351	AMD	143 5
4.64.030	AMD	296	1	9.46.070	AMD	143 6
4.92.040	AMD	163	3	9.46.110	AMD	221 1
4.92.070	AMD	163	5	9.46.198	AMD	143 7
4.92.130	AMD	163	1	9.68A.100	AMD	327 4
4.92.135	REP	163	9	9.68A.120	AMD	143 8
4.92.160	AMD	163	4	9.91.060	AMD	143 9
6.13.010	AMD	403	1	9.94A	ADD	197 2
6.13.030	AMD	403	4	9.94A.010	AMD	196 1
6.13.150	AMD	403	2	9.94A.030	AMD	197 1
6.13.160	AMD	403	3	9.94A.030	AMD	352 8
6.15.020	AMD	81	1	9.94A.030	AMD	196 2
6.15.020	AMD	42	603	9.94A.040	REMD	352 1
7.25	ADD	284	2	9.94A.040	REMD	196 3
7.25.010	AMD	284	1	9.94A.050	AMD	143 10
7.25.020	AMD	284	3	9.94A.110	AMD	197 3
7.25.030	AMD	284	4	9.94A.110	AMD	196 4
7.25.040	AMD	284	5	9.94A.120	AMD	197 4
7.68.035	AMD	86	1	9.94A.120	AMD	147 3

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<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>
9.94A.120	AMD	324	2	9A	ADD	180	2-6
9.94A.120	AMD	196	5	9A.04.030	AMD	349	1
9.94A.127	AMD	143	11	9A.16.060	AMD	60	1
9.94A.130	AMD	143	12	9A.36.031	AMD	328	1
9.94A.137	AMD	197	5	9A.44	ADD	45	1-3
9.94A.145	REMD	196	6	9A.44.060	AMD	143	34
9.94A.150	AMD	37	1	9A.44.130	REMD	6	E1 2
9.94A.150	AMD	324	1	9A.44.130	REMD	352	9
9.94A.160	AMD	143	13	9A.44.135	AMD	196	15
9.94A.170	AMD	143	14	9A.46.020	AMD	27	2
9.94A.170	AMD	196	7	9A.46.060	AMD	180	7
9.94A.180	AMD	143	15	9A.46.110	AMD	27	3
9.94A.205	AMD	196	8	9A.46.110	AMD	143	35
9.94A.207	AMD	196	9	9A.56.010	AMD	143	36
9.94A.260	AMD	323	3	9A.56.110	AMD	143	37
9.94A.310	REMD	324	3	9A.60.010	AMD	143	38
9.94A.310	REMD	352	2	9A.64.020	AMD	143	39
9.94A.320	REMD	322	5	9A.82.010	REMD	143	40
9.94A.320	REMD	352	3	9A.83.010	AMD	143	41
9.94A.320	REMD	45	4	9A.88	ADD	327	2,3
9.94A.360	AMD	352	10	10.01.150	AMD	163	6
9.94A.360	AMD	331	1	10.05.030	AMD	143	42
9.94A.370	AMD	143	16	10.05.140	AMD	331	4
9.94A.380	REMD	197	6	10.05.150	AMD	143	43
9.94A.383	AMD	196	10	10.05.160	AMD	143	44
9.94A.390	AMD	330	1	10.14.020	AMD	27	4
9.94A.400	AMD	352	11	10.14.150	AMD	170	1
9.94A.440	AMD	322	6	10.14.200	AMD	397	4
9.94A.440	AMD	196	11	10.22.010	AMD	143	45
9.95.030	AMD	143	17	10.31.100	AMD	184	14
9.95.040	REMD	324	4	10.43.040	AMD	141	1
9.95.060	AMD	143	18	10.66.050	AMD	143	46
9.95.070	AMD	143	19	10.66.100	AMD	143	47
9.95.090	AMD	143	20	10.73.040	AMD	143	48
9.95.110	AMD	143	21	10.77.010	AMD	143	49
9.95.120	AMD	143	22	10.77.010	AMD	13	2
9.95.122	AMD	143	23	10.77.240	AMD	13	3
9.95.123	AMD	143	24	10.77.940	AMD	13	4
9.95.124	AMD	143	25	10.95.185	AMD	332	1
9.95.150	AMD	143	26	10.97	ADD	326	4
9.95.160	AMD	143	27	10.97.030	AMD	49	1
9.95.170	AMD	143	28	10.98.030	AMD	143	50
9.95.260	AMD	323	4	10.98.040	AMD	143	51
9.95.260	AMD	143	29	10.98.050	AMD	49	2
9.95.265	AMD	143	30	10.98.110	AMD	143	52
9.95.280	AMD	143	31	10.98.160	AMD	143	53
9.95.300	AMD	143	32	11	ADD	42	101-104
9.96A.020	AMD	16	1				201-204
9.98.010	AMD	143	33				301-313

RCW SECTIONS AFFECTED BY 1999 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
			401-405	11.98.170	AMD	42	623
			501-507	11.98.200	AMD	42	624
11.02.005	AMD	358	20	11.98.220	AMD	42	625
11.12.120	AMD	42	604	11.98.240	AMD	42	626
11.16.060	REP	42	637	11.106.040	AMD	42	627
11.16.070	REP	42	637	11.106.050	AMD	42	628
11.16.082	REP	42	637	11.106.060	AMD	42	629
11.16.083	REP	42	637	11.108.040	AMD	42	630
11.18.200	AMD	42	605	11.108.060	AMD	44	1
11.28.240	AMD	42	606	11.108.900	AMD	42	631
11.40.020	AMD	42	601	11.110.120	AMD	42	632
11.40.040	AMD	42	607	11.114.020	AMD	42	633
11.40.140	AMD	42	608	13.04.021	AMD	397	5
11.42.010	AMD	42	609	13.34	ADD	173	2
11.42.040	AMD	42	610	13.34	ADD	17	1
11.42.085	AMD	42	611	13.34	ADD	188	2-4
11.54.080	AMD	42	612	13.34.030	AMD	267	6
11.54.090	AMD	42	613	13.34.060	AMD	17	2
11.68.065	AMD	42	614	13.34.105	AMD	390	2
11.68.080	AMD	42	615	13.34.130	REMD	173	3
11.86.041	AMD	43	1	13.34.130	REMD	267	9
11.88.090	AMD	360	1	13.34.130	REMD	267	16
11.92.140	AMD	42	616	13.34.145	REMD	267	17
11.95.140	AMD	42	617	13.40	ADD	182	1
11.96.009	REP	42	637	13.40	ADD	72	1
11.96.020	REP	42	637	13.40.040	AMD	167	2
11.96.030	REP	42	637	13.40.080	AMD	91	1
11.96.040	REP	42	637	13.40.160	REMD	91	2
11.96.050	REP	42	637	13.40.215	AMD	198	1
11.96.060	REP	42	637	13.40.460	AMD	372	2
11.96.070	REP	42	637	13.50	ADD	390	8
11.96.080	REP	42	637	13.50.050	AMD	198	4
11.96.090	REP	42	637	13.50.100	AMD	390	3
11.96.100	REP	42	637	13.60	ADD	267	18
11.96.110	REP	42	637	13.60	ADD	168	1-3
11.96.120	REP	42	637	14.08.122	AMD	302	1
11.96.130	REP	42	637	15.13.470	AMD	144	16
11.96.140	REP	42	637	15.14	ADD	144	4,5
11.96.150	REP	42	637				10,12
11.96.160	REP	42	637				13,19
11.96.170	REP	42	637	15.14.010	AMD	144	1
11.96.180	REP	42	637	15.14.010	RECD	144	19
11.96.900	REP	42	637	15.14.020	REP	144	17
11.96.901	REP	42	637	15.14.030	AMD	144	2
11.98.039	AMD	42	618	15.14.030	RECD	144	19
11.98.051	AMD	42	619	15.14.040	AMD	144	9
11.98.055	AMD	42	620	15.14.040	RECD	144	19
11.98.080	AMD	42	621	15.14.050	AMD	144	6
11.98.110	AMD	42	622	15.14.050	RECD	144	19

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RCW		CH.	SEC.	RCW		CH.	SEC.
15.14.060	REP	144	17	15.36.471	AMD	291	20
15.14.070	AMD	144	3	15.36.481	AMD	291	22
15.14.070	RECD	144	19	15.36.491	AMD	291	23
15.14.080	REP	144	17	15.36.501	REP	291	33
15.14.100	REP	144	17	15.36.511	AMD	291	24
15.14.110	AMD	144	7	15.36.521	REP	291	33
15.14.110	RECD	144	19	15.36.551	AMD	291	26
15.14.120	AMD	144	8	15.36.561	AMD	291	27
15.14.120	RECD	144	19	15.38.001	REP	291	33
15.14.130	AMD	144	14	15.38.010	REP	291	33
15.14.130	RECD	144	19	15.38.020	REP	291	33
15.14.140	AMD	144	11	15.38.030	REP	291	33
15.14.140	RECD	144	19	15.38.040	REP	291	33
15.14.150	RECD	144	19	15.38.050	REP	291	33
15.14.900	RECD	144	19	15.40.010	REP	291	33
15.14.910	DECD	144	18	15.40.030	REP	291	33
15.14.920	RECD	144	19	15.40.040	REP	291	33
15.17.243	AMD	47	1	15.40.050	REP	291	33
15.30.060	AMD	70	1	15.40.900	REP	291	33
15.36	ADD	291	3,13	15.41.010	REP	291	33
			18,19	15.41.020	REP	291	33
			21,25	15.44.060	AMD	300	1
15.36.012	AMD	291	1	15.54.325	AMD	383	1
15.36.021	AMD	291	2	15.54.325	AMD	382	1
15.36.031	REP	291	33	15.54.330	AMD	383	2
15.36.051	AMD	291	4	15.54.340	AMD	381	1
15.36.061	REP	291	33	15.54.440	AMD	383	3
15.36.081	AMD	291	5	15.54.450	AMD	383	4
15.36.111	AMD	291	6	15.69.010	REP	144	17
15.36.121	REP	291	33	15.69.020	REP	144	17
15.36.151	AMD	291	7	15.69.030	REP	144	17
15.36.161	AMD	291	8	15.69.040	REP	144	17
15.36.171	AMD	291	9	15.92.090	AMD	247	1
15.36.181	AMD	291	10	15.92.095	AMD	247	2
15.36.191	AMD	291	11	15.92.100	AMD	247	3
15.36.201	REMD	291	12	16.48.120	REP	291	33
15.36.211	REP	291	33	16.48.280	REP	291	33
15.36.231	AMD	291	14	16.48.310	REP	291	33
15.36.251	REP	291	33	16.48.311	REP	291	33
15.36.291	REP	291	33	16.48.312	REP	291	33
15.36.301	REP	291	33	16.48.320	REP	291	33
15.36.311	REP	291	33	16.48.325	REP	291	33
15.36.401	AMD	291	15	16.49.435	AMD	291	28
15.36.411	REP	291	33	16.49.670	AMD	291	29
15.36.421	AMD	291	16	16.49A.010	REP	291	33
15.36.431	REP	291	33	16.49A.020	REP	291	33
15.36.441	REP	291	33	16.49A.030	REP	291	33
15.36.451	AMD	291	17	16.49A.040	REP	291	33
15.36.461	REP	291	33	16.49A.050	REP	291	33

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<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>
16.49A.060	REP	291	33	16.49A.570	REP	291	33
16.49A.070	REP	291	33	16.49A.580	REP	291	33
16.49A.080	REP	291	33	16.49A.590	REP	291	33
16.49A.090	REP	291	33	16.49A.600	REP	291	33
16.49A.100	REP	291	33	16.49A.610	REP	291	33
16.49A.110	REP	291	33	16.49A.620	REP	291	33
16.49A.120	REP	291	33	16.49A.630	REP	291	33
16.49A.130	REP	291	33	16.49A.640	REP	291	33
16.49A.140	REP	291	33	16.49A.650	REP	291	33
16.49A.150	REP	291	33	16.49A.900	REP	291	33
16.49A.160	REP	291	33	16.49A.910	REP	291	33
16.49A.170	REP	291	33	16.49A.920	REP	291	33
16.49A.180	REP	291	33	16.67.030	AMD	291	30
16.49A.190	REP	291	33	16.74.010	REP	291	33
16.49A.200	REP	291	33	16.74.020	REP	291	33
16.49A.210	REP	291	33	16.74.030	REP	291	33
16.49A.220	REP	291	33	16.74.040	REP	291	33
16.49A.230	REP	291	33	16.74.050	REP	291	33
16.49A.240	REP	291	33	16.74.060	REP	291	33
16.49A.250	REP	291	33	16.74.070	REP	291	33
16.49A.255	REP	291	33	16.74.080	REP	291	33
16.49A.260	REP	291	33	16.74.090	REP	291	33
16.49A.270	REP	291	33	16.74.100	REP	291	33
16.49A.280	REP	291	33	16.74.110	REP	291	33
16.49A.290	REP	291	33	16.74.120	REP	291	33
16.49A.300	REP	291	33	16.74.130	REP	291	33
16.49A.310	REP	291	33	16.74.140	REP	291	33
16.49A.320	REP	291	33	16.74.150	REP	291	33
16.49A.330	REP	291	33	16.74.160	REP	291	33
16.49A.340	REP	291	33	16.74.170	REP	291	33
16.49A.350	REP	291	33	16.74.180	REP	291	33
16.49A.360	REP	291	33	16.74.190	REP	291	33
16.49A.370	REP	291	33	16.74.200	REP	291	33
16.49A.380	REP	291	33	16.74.210	REP	291	33
16.49A.390	REP	291	33	16.74.220	REP	291	33
16.49A.400	REP	291	33	16.74.230	REP	291	33
16.49A.410	REP	291	33	16.74.240	REP	291	33
16.49A.420	REP	291	33	16.74.250	REP	291	33
16.49A.430	REP	291	33	16.74.260	REP	291	33
16.49A.440	REP	291	33	16.74.270	REP	291	33
16.49A.450	REP	291	33	16.74.280	REP	291	33
16.49A.460	REP	291	33	16.74.290	REP	291	33
16.49A.470	REP	291	33	16.74.300	REP	291	33
16.49A.480	REP	291	33	16.74.310	REP	291	33
16.49A.520	REP	291	33	16.74.320	REP	291	33
16.49A.530	REP	291	33	16.74.330	REP	291	33
16.49A.540	REP	291	33	16.74.340	REP	291	33
16.49A.550	REP	291	33	16.74.350	REP	291	33
16.49A.560	REP	291	33	16.74.360	REP	291	33

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RCW		CH.	SEC.	RCW		CH.	SEC.
16.74.370	REP	291	33	18.28.020	REP	151	112
16.74.380	REP	291	33	18.28.030	REP	151	112
16.74.390	REP	291	33	18.28.040	REP	151	112
16.74.400	REP	291	33	18.28.045	REP	151	112
16.74.410	REP	291	33	18.28.050	REP	151	112
16.74.420	REP	291	33	18.28.060	REP	151	112
16.74.430	REP	291	33	18.28.070	REP	151	112
16.74.440	REP	291	33	18.28.080	AMD	151	102
16.74.450	REP	291	33	18.28.090	AMD	151	103
16.74.460	REP	291	33	18.28.100	AMD	151	104
16.74.470	REP	291	33	18.28.110	AMD	151	105
16.74.480	REP	291	33	18.28.120	AMD	151	106
16.74.490	REP	291	33	18.28.130	AMD	151	107
16.74.500	REP	291	33	18.28.140	AMD	151	108
16.74.510	REP	291	33	18.28.150	AMD	151	109
16.74.520	REP	291	33	18.28.160	REP	151	112
16.74.530	REP	291	33	18.28.165	AMD	151	110
16.74.540	REP	291	33	18.28.170	REP	151	112
16.74.550	REP	291	33	18.28.190	AMD	151	111
16.74.560	REP	291	33	18.28.230	REP	151	112
16.74.570	REP	291	33	18.28.240	REP	151	112
16.74.580	REP	291	33	18.32.002	AMD	364	1
16.74.590	REP	291	33	18.32.0357	AMD	364	2
16.74.600	REP	291	33	18.32.0361	AMD	366	3
16.74.610	REP	291	33	18.32.180	AMD	364	3
16.74.615	REP	291	33	18.32.534	AMD	179	1
16.74.620	REP	291	33	18.44	ADD	30	4,9
16.74.630	REP	291	33	18.44.010	AMD	30	1
16.74.640	REP	291	33	18.44.010	RECD	30	37
16.74.650	REP	291	33	18.44.020	AMD	30	2
16.74.900	REP	291	33	18.44.020	RECD	30	37
16.74.910	REP	291	33	18.44.030	AMD	30	3
16.74.920	REP	291	33	18.44.030	RECD	30	37
17.21.187	AMD	145	1	18.44.040	REP	30	36
18	ADD	335	1-9	18.44.050	AMD	30	5
18	ADD	263	1-21	18.44.050	RECD	30	37
			23,24	18.44.060	AMD	30	6
18.04.025	AMD	378	1	18.44.060	RECD	30	37
18.04.105	AMD	378	2	18.44.065	REP	30	36
18.04.183	AMD	378	3	18.44.067	AMD	30	7
18.04.185	AMD	378	4	18.44.067	RECD	30	37
18.04.195	AMD	378	5	18.44.070	AMD	30	8
18.04.205	AMD	378	6	18.44.070	RECD	30	37
18.04.215	AMD	378	7	18.44.080	AMD	30	10
18.04.345	AMD	378	8	18.44.080	RECD	30	37
18.11.070	AMD	398	1	18.44.090	AMD	30	11
18.20.230	AMD	372	3	18.44.090	RECD	30	37
18.25.0171	AMD	366	2	18.44.100	AMD	30	12
18.28.010	AMD	151	101	18.44.100	RECD	30	37

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<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>
18.44.110	AMD	30	13	18.44.370	RECD	30	37
18.44.110	RECD	30	37	18.44.375	RECD	30	37
18.44.120	AMD	30	14	18.44.380	RECD	30	37
18.44.120	RECD	30	37	18.44.385	RECD	30	37
18.44.125	AMD	30	15	18.44.390	RECD	30	37
18.44.125	RECD	30	37	18.44.395	RECD	30	37
18.44.130	AMD	30	16	18.44.398	RECD	30	37
18.44.130	RECD	30	37	18.44.900	RECD	30	37
18.44.140	AMD	30	17	18.44.910	RECD	30	37
18.44.140	RECD	30	37	18.44.920	RECD	30	37
18.44.145	AMD	30	33	18.44.921	RECD	30	37
18.44.145	RECD	30	37	18.44.922	RECD	30	37
18.44.150	REP	30	36	18.54.920	AMD	240	6
18.44.160	AMD	30	18	18.57A.020	AMD	127	2
18.44.160	RECD	30	37	18.59.020	AMD	333	1
18.44.170	RECD	30	37	18.59.031	AMD	333	2
18.44.175	AMD	30	19	18.59.100	AMD	333	3
18.44.175	RECD	30	37	18.71.015	AMD	366	4
18.44.180	AMD	30	20	18.71A.020	AMD	127	1
18.44.180	RECD	30	37	18.73	ADD	337	4
18.44.190	RECD	30	37	18.79.090	AMD	366	5
18.44.200	AMD	30	21	18.83.054	AMD	66	1
18.44.200	RECD	30	37	18.83.135	AMD	66	2
18.44.208	RECD	30	37	18.85	ADD	192	1-3
18.44.215	RECD	30	37	18.85.230	AMD	46	1
18.44.220	REP	30	36	18.85.310	AMD	48	1
18.44.240	REP	30	36	18.89.040	AMD	84	1
18.44.250	RECD	30	37	18.100.050	AMD	128	1
18.44.260	AMD	30	22	18.130.040	AMD	335	10
18.44.260	RECD	30	37	18.135.030	AMD	151	201
18.44.280	AMD	30	23	18.138.070	AMD	151	301
18.44.280	RECD	30	37	18.138.120	REP	151	401
18.44.290	AMD	30	24	18.175.010	REP	151	501
18.44.290	RECD	30	37	18.175.020	REP	151	501
18.44.300	AMD	30	25	18.175.025	REP	151	501
18.44.300	RECD	30	37	18.175.027	REP	151	501
18.44.310	AMD	30	26	18.175.030	REP	151	501
18.44.310	RECD	30	37	18.175.040	REP	151	501
18.44.320	AMD	30	27	18.175.050	REP	151	501
18.44.320	RECD	30	37	18.175.060	REP	151	501
18.44.330	AMD	30	28	18.175.070	REP	151	501
18.44.330	RECD	30	37	18.175.080	REP	151	501
18.44.340	AMD	30	29	19	ADD	156	1-3
18.44.340	RECD	30	37	19.02.030	AMD	240	5
18.44.350	AMD	30	30	19.27	ADD	171	1
18.44.350	RECD	30	37	19.34	ADD	287	3
18.44.360	AMD	30	31	19.34.010	AMD	287	1
18.44.360	RECD	30	37	19.34.020	AMD	287	2
18.44.370	AMD	30	32	19.34.030	AMD	287	4

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RCW		CH.	SEC.	RCW		CH.	SEC.
19.34.100	AMD	287	5	26.44.035	AMD	389	7
19.34.110	AMD	287	6	26.44.040	AMD	176	32
19.34.111	AMD	287	7	26.44.050	REMD	176	33
19.34.120	AMD	287	8	26.50.010	AMD	184	13
19.34.130	AMD	287	9	26.50.060	AMD	147	2
19.34.200	AMD	287	10	26.50.150	AMD	147	1
19.34.210	AMD	287	11	27.04	ADD	123	4
19.34.231	AMD	287	12	27.04.010	AMD	123	1
19.34.250	AMD	287	13	27.04.020	AMD	123	2
19.34.280	AMD	287	14	27.04.030	AMD	123	3
19.34.330	AMD	287	15	27.04.045	AMD	123	5
19.34.400	AMD	287	16	27.04.050	REP	123	6
19.34.410	AMD	287	17	27.04.110	REP	123	6
19.48.010	AMD	95	1	27.12.470	AMD	153	25
19.92.100	REP	291	33	27.34.330	AMD	295	2
19.92.110	REP	291	33	27.34.340	REP	35	5
19.92.120	REP	291	33	27.48	ADD	343	2
19.92.240	REP	291	33	28A	ADD	315	803-806
19.138.030	AMD	238	1	28A	ADD	388	101-103
19.138.040	AMD	238	2				302,402
19.138.100	AMD	238	3				403,501
19.138.120	AMD	238	4				502,602
19.138.130	AMD	238	5				607
19.138.140	AMD	238	6	28A.04.172	REP	348	11
19.138.170	AMD	238	7	28A.165.030	AMD	78	1
19.170.030	AMD	31	1	28A.195	ADD	187	1
19.190.005	REP	289	4	28A.205.010	AMD	348	2
19.190.010	AMD	289	1	28A.205.020	AMD	348	3
19.190.020	AMD	289	2	28A.205.040	AMD	348	4
19.190.030	AMD	289	3	28A.215.110	AMD	350	1
24.03	ADD	32	1	28A.225	ADD	319	6
25.15.045	AMD	128	2	28A.225.020	AMD	319	1
26	ADD	184	1-10	28A.225.025	AMD	319	5
			16	28A.225.030	AMD	319	2
26.09.260	AMD	174	1	28A.225.035	AMD	319	3
26.10.220	AMD	184	11	28A.225.090	AMD	319	4
26.12	ADD	390	4	28A.225.160	AMD	348	5
26.12.010	AMD	397	6	28A.225.225	AMD	198	2
26.12.060	AMD	397	7	28A.225.330	AMD	198	3
26.23.150	AMD	138	2	28A.230	ADD	373	301
26.26.138	AMD	184	12	28A.230.190	AMD	373	201
26.33.170	AMD	173	1	28A.230.195	AMD	373	603
26.44	ADD	389	4,9	28A.230.210	REP	373	604
26.44.010	AMD	176	27	28A.230.220	REP	373	604
26.44.015	AMD	176	28	28A.230.230	AMD	373	401
26.44.020	AMD	176	29	28A.230.240	REP	373	604
26.44.030	AMD	267	20	28A.230.250	AMD	373	602
26.44.030	AMD	176	30	28A.300	ADD	315	202
26.44.032	AMD	176	31	28A.300	ADD	347	2

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RCW		CH.	SEC.	RCW		CH.	SEC.
28A.300	ADD	319	7	28A.315.330	REP	315	801
28A.300.040	AMD	348	6	28A.315.340	REP	315	801
28A.300.130	AMD	388	401	28A.315.350	RECD	315	803
28A.300.138	REP	388	603	28A.315.360	RECD	315	803
28A.300.295	AMD	78	2	28A.315.370	RECD	315	803
28A.300.310	AMD	373	101	28A.315.380	RECD	315	803
28A.300.320	AMD	373	102	28A.315.390	RECD	315	803
28A.305.150	REP	315	801	28A.315.400	RECD	315	803
28A.315	ADD	315	1,101	28A.315.410	RECD	315	803
			201	28A.315.420	RECD	315	803
			203-206	28A.315.430	RECD	315	803
			301-303	28A.315.440	RECD	315	803
			401-403	28A.315.450	RECD	315	804
			501,601	28A.315.460	RECD	315	805
			701-707	28A.315.470	RECD	315	804
			802,808	28A.315.480	RECD	315	804
28A.315	ADD	194	1	28A.315.490	RECD	315	804
28A.315.010	REP	315	801	28A.315.500	RECD	315	804
28A.315.020	RECD	315	802	28A.315.510	RECD	315	804
28A.315.030	REP	315	801	28A.315.520	RECD	315	804
28A.315.040	RECD	315	802	28A.315.530	RECD	315	804
28A.315.050	RECD	315	802	28A.315.540	RECD	315	804
28A.315.060	RECD	315	802	28A.315.550	RECD	315	805
28A.315.070	RECD	315	802	28A.315.560	RECD	315	806
28A.315.080	RECD	315	802	28A.315.570	RECD	315	805
28A.315.090	RECD	315	802	28A.315.580	RECD	315	806
28A.315.100	RECD	315	802	28A.315.590	RECD	315	806
28A.315.110	REP	315	801	28A.315.593	RECD	315	806
28A.315.120	REP	315	801	28A.315.597	RECD	315	806
28A.315.130	REP	315	801	28A.315.600	RECD	315	805
28A.315.140	REP	315	801	28A.315.610	RECD	315	805
28A.315.150	REP	315	801	28A.315.620	RECD	315	805
28A.315.160	REP	315	801	28A.315.630	RECD	315	805
28A.315.170	REP	315	801	28A.315.640	RECD	315	806
28A.315.180	REP	315	801	28A.315.650	RECD	315	804
28A.315.190	REP	315	801	28A.315.660	RECD	315	806
28A.315.200	REP	315	801	28A.315.670	RECD	315	805
28A.315.210	RECD	315	802	28A.315.680	RECD	315	805
28A.315.220	RECD	315	802	28A.315.690	RECD	315	802
28A.315.230	REP	315	801	28A.315.690	REP	101	2
28A.315.240	REP	315	801	28A.315.700	RECD	315	802
28A.315.250	REP	315	801	28A.315.700	REP	101	2
28A.315.260	REP	315	801	28A.315.710	RECD	315	802
28A.315.270	REP	315	801	28A.315.710	REP	101	2
28A.315.280	REP	315	801	28A.315.720	RECD	315	802
28A.315.290	REP	315	801	28A.315.720	REP	101	2
28A.315.300	REP	315	801	28A.315.900	REP	315	801
28A.315.310	REP	315	801	28A.320	ADD	101	1
28A.315.320	REP	315	801	28A.320	ADD	21	1

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RCW		CH.	SEC.	RCW		CH.	SEC.
28A.320.205	AMD	388	303	28B.20.382	AMD	346	3
28A.320.205	RECD	388	607	28B.20.390	REP	346	8
28A.320.300	AMD	18	1	28B.20.392	REP	346	8
28A.320.310	AMD	18	2	28B.20.394	AMD	346	4
28A.320.320	AMD	18	3	28B.20.396	AMD	346	6
28A.335	ADD	316	2	28B.20.398	AMD	346	7
28A.335.170	AMD	386	1	28B.80	ADD	320	1-3
28A.410.013	REP	348	11	28B.80	ADD	177	2-5
28A.415	ADD	166	2	28B.80.245	AMD	159	3
28A.500	ADD	317	2-4	28B.90.020	AMD	85	1
28A.500.010	AMD	317	1	28B.120	ADD	169	4,8
28A.525	ADD	313	2	28B.120.005	AMD	169	2
28A.525	ADD	386	2	28B.120.010	AMD	169	5
28A.530.010	AMD	386	3	28B.120.020	AMD	169	3
28A.530.080	AMD	314	2	28B.120.030	AMD	169	6
28A.600.150	AMD	159	2	28B.120.040	AMD	169	7
28A.600.230	AMD	167	3	28C.04	ADD	121	1
28A.630.883	RECD	388	607	28C.04.410	AMD	121	2
28A.630.885	RECD	388	607	28C.04.420	AMD	121	3
28A.630.885	AMD	373	501	28C.04.430	REP	121	4
28A.630.887	AMD	388	201	28C.04.440	REP	121	4
28A.630.887	RECD	388	607	28C.04.450	REP	121	4
28A.630.889	AMD	388	301	28C.04.460	REP	121	4
28A.630.889	RECD	388	607	28C.04.480	REP	121	4
28A.630.945	RECD	388	607	28C.04.545	AMD	28	1
28A.630.950	RECD	388	607	28C.10.084	AMD	321	3
28A.630.951	RECD	388	607	28C.20.010	REP	151	601
28A.630.952	RECD	388	607	28C.20.020	REP	151	601
28A.630.953	RECD	388	607	28C.20.030	REP	151	601
28A.630.954	RECD	388	607	28D.02.005	REP	285	13
28B	ADD	375	1-4	28D.02.010	REP	285	13
28B.10	ADD	345	1	28D.02.020	REP	285	13
28B.10.800	AMD	345	2	28D.02.030	REP	285	13
28B.10.804	AMD	345	3	28D.02.040	REP	285	13
28B.10.806	AMD	345	4	28D.02.050	REP	285	13
28B.10.808	AMD	345	5	28D.02.060	AMD	285	9
28B.10.810	AMD	345	6	28D.02.060	RECD	285	12
28B.10.822	AMD	345	7	28D.02.065	AMD	285	10
28B.10.842	AMD	163	7	28D.02.065	RECD	285	12
28B.15	ADD	344	2	28D.02.070	AMD	285	11
28B.15	ADD	320	4	28D.02.070	RECD	285	12
28B.15	ADD	82	3	29.01	ADD	158	2
28B.15.012	AMD	320	5	29.01.042	AMD	158	1
28B.15.066	AMD	309	932	29.04.040	AMD	158	3
28B.15.100	AMD	321	2	29.04.050	AMD	298	1
28B.15.620	AMD	82	1	29.04.120	AMD	298	2
28B.15.628	AMD	82	2	29.04.170	AMD	298	3
28B.15.910	AMD	344	3	29.04.180	AMD	157	1
28B.20	ADD	346	2,5	29.07.010	AMD	298	4

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<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>
29.07.120	AMD	298	5	29.80.030	REP	260	13
29.07.260	AMD	298	6	29.80.040	REP	260	13
29.08.080	AMD	298	7	29.80.050	REP	260	13
29.10	ADD	100	4,5	29.80.060	REP	260	13
29.10.040	AMD	100	3	29.80.070	REP	260	13
29.10.090	AMD	100	1	29.80.080	REP	260	13
29.10.100	AMD	298	8	29.80.090	REP	260	13
29.10.180	AMD	100	2	29.81	ADD	260	1-12
29.15.025	AMD	298	9	29.81.010	REP	260	13
29.15.050	AMD	298	10	29.81.011	REP	260	13
29.15.050	AMD	157	2	29.81.012	REP	260	13
29.27.080	AMD	5004	1	29.81.014	REP	260	13
29.30.101	AMD	298	11	29.81.020	REP	260	13
29.30.111	AMD	224	2	29.81.030	REP	260	13
29.36.013	AMD	298	12	29.81.040	REP	260	13
29.48	ADD	158	5	29.81.042	REP	260	13
29.48.010	AMD	158	4	29.81.043	REP	260	13
29.48.040	REP	158	16	29.81.050	REP	260	13
29.48.050	REP	158	16	29.81.052	REP	260	13
29.48.060	REP	158	16	29.81.053	REP	260	13
29.48.080	AMD	158	6	29.81.060	REP	260	13
29.51	ADD	158	7,8	29.81.070	REP	260	13
29.51.140	REP	158	16	29.81.080	REP	260	13
29.54	ADD	158	11,12	29.81.090	REP	260	13
29.54.025	AMD	158	9	29.81.100	REP	260	13
29.54.037	AMD	158	10	29.81.110	REP	260	13
29.54.050	AMD	157	4	29.81.120	REP	260	13
29.54.050	AMD	158	13	29.81.130	REP	260	13
29.54.075	AMD	158	14	29.81.140	REP	260	13
29.54.085	AMD	158	15	29.81.150	REP	260	13
29.57.010	AMD	298	13	29.81.160	REP	260	13
29.57.030	REP	298	22	29.81.180	REP	260	13
29.57.070	AMD	298	14	30.08.020	AMD	14	11
29.57.080	REP	298	22	30.08.080	AMD	14	12
29.57.090	AMD	298	15	31.16.020	REP	137	1
29.57.100	AMD	298	16	31.16.025	REP	137	1
29.57.110	REP	298	22	31.16.028	REP	137	1
29.57.120	REP	298	22	31.16.030	REP	137	1
29.57.130	AMD	298	17	31.16.040	REP	137	1
29.57.140	AMD	298	18	31.16.050	REP	137	1
29.57.150	AMD	298	19	31.16.060	REP	137	1
29.57.160	AMD	298	20	31.16.070	REP	137	1
29.62.020	AMD	259	4	31.16.080	REP	137	1
29.62.060	REP	158	16	31.16.090	REP	137	1
29.62.070	REP	158	16	31.16.100	REP	137	1
29.62.090	AMD	298	21	31.16.110	REP	137	1
29.62.180	AMD	157	3	31.16.120	REP	137	1
29.80.010	REP	260	13	31.16.130	REP	137	1
29.80.020	REP	260	13	31.16.150	REP	137	1

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RCW		CH.	SEC.	RCW		CH.	SEC.
31.16.160	REP	137	1	35.13A.020	AMD	153	28
31.16.170	REP	137	1	35.13A.030	AMD	153	29
31.16.180	REP	137	1	35.13A.040	AMD	153	30
31.16.190	REP	137	1	35.13A.060	AMD	153	31
31.16.200	REP	137	1	35.13A.090	AMD	153	32
31.16.210	REP	137	1	35.20.110	AMD	152	3
31.16.220	REP	137	1	35.20.255	AMD	56	3
31.16.230	REP	137	1	35.21	ADD	202	1
31.16.240	REP	137	1	35.21	ADD	359	18
31.16.250	REP	137	1	35.21	ADD	246	1
31.16.255	REP	137	1	35.21.260	AMD	204	1
31.16.260	REP	137	1	35.21.280	AMD	165	19
31.16.270	REP	137	1	35.21.717	AMD	307	1
31.16.280	REP	137	1	35.21.755	AMD	266	1
31.16.290	REP	137	1	35.58.210	AMD	153	33
31.16.300	REP	137	1	35.58.220	AMD	153	34
31.16.310	REP	137	1	35.58.230	AMD	153	35
31.16.320	REP	137	1	35.58.410	AMD	153	36
31.16.900	REP	137	1	35.67.300	AMD	153	37
31.16.910	REP	137	1	35.82.040	AMD	77	1
32	ADD	14	1-10	35.91.020	AMD	153	38
32.04.020	AMD	14	13	35.92	ADD	61	1,2
32.04.080	REMD	14	14	35.92.012	AMD	153	39
32.04.082	AMD	14	15	35.92.170	AMD	153	40
32.04.085	REMD	14	16	35.97.010	AMD	153	41
32.08.140	AMD	14	17	35.97.050	AMD	153	42
32.08.142	AMD	14	18	35A.21	ADD	202	2
32.08.146	AMD	14	19	35A.21	ADD	359	19
32.12.020	AMD	14	20	35A.69.010	AMD	291	31
32.12.090	AMD	14	21	36.01	ADD	202	3
32.16.040	AMD	14	22	36.01	ADD	359	20
32.16.050	AMD	14	23	36.01	ADD	104	3,4
32.20	ADD	14	27	36.01	ADD	19	1
32.20.010	AMD	14	24	36.16	ADD	71	1
32.20.020	AMD	14	25	36.16.138	AMD	153	43
32.20.070	AMD	153	26	36.17.010	AMD	71	2
32.20.110	AMD	153	27	36.17.050	AMD	71	3
32.20.160	REP	14	36	36.18.005	AMD	233	2
32.20.330	AMD	14	26	36.18.010	AMD	233	3
32.20.400	AMD	14	28	36.18.012	AMD	42	634
32.20.445	AMD	14	29	36.18.016	AMD	397	8
32.32.500	AMD	14	30	36.18.020	AMD	42	635
32.32.520	AMD	14	31	36.29	ADD	104	2
32.34	ADD	14	34	36.29.020	AMD	18	4
32.34.010	AMD	14	32	36.38.010	AMD	165	20
32.34.020	AMD	14	33	36.48.070	AMD	18	5
32.34.060	AMD	14	35	36.57	ADD	202	4
34.05	ADD	4	E1 202	36.57A	ADD	202	5
35	ADD	165	1-11	36.70A.035	AMD	315	708

RCW SECTIONS AFFECTED BY 1999 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
36.75.260	AMD	204	2	41.24.020	AMD	148	2
36.78.070	AMD	269	1	41.24.030	REMD	148	3
36.93.020	AMD	153	44	41.24.035	AMD	148	4
36.93.065	REP	124	1	41.24.040	AMD	148	5
36.93.093	AMD	153	45	41.24.060	AMD	148	6
36.93.105	AMD	153	46	41.24.070	AMD	148	7
36.93.185	AMD	153	47	41.24.080	AMD	148	8
36.94.220	AMD	153	48	41.24.090	AMD	148	9
36.94.410	AMD	153	51	41.24.110	AMD	148	10
36.94.420	AMD	153	52	41.24.120	AMD	148	11
36.94.430	AMD	153	49	41.24.140	AMD	148	12
36.96.010	AMD	153	50	41.24.150	AMD	148	13
36.100	ADD	165	17,18	41.24.160	AMD	148	14
36.100.030	AMD	165	16	41.24.160	AMD	117	5
36.100.060	AMD	165	15	41.24.170	AMD	148	15
38.52	ADD	24	2	41.24.170	AMD	117	4
39	ADD	273	1-8	41.24.172	AMD	148	16
39.04.240	AMD	107	1	41.24.172	AMD	117	6
39.30.060	AMD	109	1	41.24.180	AMD	148	17
39.42.060	AMD	273	9	41.24.200	AMD	148	18
39.50.010	AMD	153	54	41.24.210	AMD	148	19
39.53.010	AMD	230	1	41.24.220	AMD	148	20
39.53.020	AMD	230	2	41.24.230	AMD	148	21
39.53.030	AMD	230	3	41.24.245	AMD	148	22
39.53.040	AMD	230	4	41.24.250	AMD	148	23
39.53.050	AMD	230	5	41.24.280	AMD	148	24
39.53.060	AMD	230	6	41.24.290	AMD	148	25
39.53.070	AMD	230	7	41.24.300	AMD	148	26
39.53.080	AMD	230	8	41.24.310	AMD	148	27
39.53.090	AMD	230	9	41.24.320	AMD	148	28
39.53.110	AMD	230	10	41.24.330	AMD	148	29
39.53.120	AMD	230	11	41.24.340	AMD	148	30
39.53.140	AMD	230	12	41.24.350	REP	148	34
39.58	ADD	293	3	41.24.400	AMD	148	31
39.69.010	AMD	153	53	41.24.420	REP	148	34
39.80.020	AMD	153	55	41.24.440	REP	148	34
40.14.060	AMD	326	1	41.24.450	AMD	148	32
40.14.070	AMD	326	2	41.24.460	AMD	148	33
40.24.070	AMD	53	1	41.24.470	REP	148	34
41.04.005	AMD	65	1	41.26	ADD	134	3
41.04.665	AMD	25	1	41.26.160	AMD	134	2
41.04.750	AMD	178	2	41.26.470	AMD	135	1
41.04.760	AMD	178	3	41.32	ADD	362	1
41.05.021	AMD	372	4	41.32.570	AMD	387	1
41.06.071	AMD	122	1	41.34.060	AMD	265	1
41.06.150	AMD	297	3	41.34.140	AMD	265	2
41.06.152	AMD	309	914	41.40	ADD	362	2,3
41.16.050	AMD	117	3	41.40	ADD	244	2,3
41.24.010	AMD	148	1	41.40.023	AMD	244	1

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RCW		CH.	SEC.	RCW		CH.	SEC.
41.40.023	AMD	286	2	42.52	ADD	343	4
41.40.052	REMD	83	1	42.52.080	AMD	299	3
41.45	ADD	309	907,908	43	ADD	380	1-7
41.50.145	AMD	223	2	43	ADD	225	1-5
41.52.010	REP	151	701	43.03	ADD	297	2
41.52.020	REP	151	701	43.03	ADD	366	1
41.52.030	REP	151	701	43.03.011	AMD	3	E1 1
41.52.040	REP	151	701	43.03.012	AMD	3	E1 2
41.52.050	REP	151	701	43.03.013	AMD	3	E1 3
41.52.060	REP	151	701	43.03.305	AMD	102	1
41.52.070	REP	151	701	43.05.010	AMD	236	1
41.56	ADD	217	3	43.06.400	AMD	372	5
41.56.020	AMD	217	1	43.06A	ADD	390	5,7
41.56.030	AMD	217	2	43.08	ADD	293	2
41.56.475	AMD	217	4	43.08.250	AMD	309	915
41.60.010	AMD	50	1	43.09.410	AMD	361	9
41.60.015	AMD	50	2	43.10.220	AMD	309	916
41.60.020	AMD	50	3	43.17.250	AMD	164	601
41.60.030	AMD	50	4	43.19	ADD	343	3
41.60.041	AMD	50	5	43.19	ADD	229	2
41.60.080	AMD	50	6	43.19	ADD	186	1
41.60.100	AMD	50	7	43.19.010	AMD	229	1
41.60.110	AMD	50	8	43.19.013	REP	229	3
41.60.120	AMD	50	9	43.19.1906	AMD	1	E1 606
41.60.150	AMD	50	10	43.19.1906	AMD	106	1
42.17	ADD	146	1	43.19.1906	AMD	195	1
42.17	ADD	202	8	43.20.240	AMD	153	56
42.17	ADD	112	18	43.20A	ADD	267	2
42.17	ADD	256	2	43.20A	ADD	389	6
42.17	ADD	401	1-7	43.20A.375	AMD	372	6
			11,12	43.20A.710	AMD	336	7
42.17.080	AMD	401	13	43.20A.870	AMD	372	7
42.17.261	REP	151	801	43.20B.070	AMD	55	1
42.17.310	AMD	290	1	43.20B.080	AMD	354	2
42.17.310	AMD	326	3	43.21A	ADD	251	2
42.17.310	AMD	215	1	43.21A.660	AMD	251	1
42.17.319	AMD	150	1	43.21B.005	AMD	125	1
42.17.365	AMD	401	8	43.21C	ADD	4	E1 203
42.17.367	AMD	401	9				1201
42.17.420	AMD	401	10	43.22.200	REP	140	1
42.17.530	AMD	304	2	43.22.210	REP	140	1
42.23.030	AMD	261	2	43.22.335	AMD	22	1
42.23.040	AMD	261	3	43.22.340	AMD	22	2
42.23.050	AMD	261	4	43.22.350	AMD	22	3
42.23.060	AMD	261	5	43.22.360	REMD	22	4
42.40	ADD	361	2,4-8	43.22.370	AMD	22	5
42.40.020	AMD	361	1	43.22.380	AMD	22	6
42.40.040	AMD	361	3	43.22.390	AMD	22	7
42.40.050	AMD	283	1	43.22.410	AMD	22	8

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<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>		<u>CH.</u>	<u>SEC.</u>
43.22.420	AMD	22	9	43.51.046	AMD	249	304
43.22.434	AMD	22	10	43.51.046	RECD	249	1601
43.24	ADD	240	4	43.51.047	REP	249	1701
43.24.010	REP	240	7	43.51.048	RECD	249	1601
43.24.020	AMD	240	1	43.51.050	RECD	249	1601
43.24.024	REP	240	7	43.51.052	AMD	249	402
43.24.086	AMD	240	2	43.51.052	RECD	249	1601
43.24.110	REP	240	7	43.51.055	AMD	249	305
43.31	ADD	299	1,2,4	43.51.055	RECD	249	1601
43.31.855	REP	151	901	43.51.060	AMD	249	307
43.31.855	REP	299	5	43.51.060	RECD	249	1601
43.31.857	REP	151	901	43.51.061	AMD	249	306
43.31.857	REP	299	5	43.51.061	RECD	249	1601
43.33A	ADD	226	1	43.51.062	RECD	249	1601
43.33A	ADD	288	2	43.51.063	RECD	249	1601
43.33A.130	AMD	228	1	43.51.065	RECD	249	1601
43.33A.170	AMD	227	1	43.51.070	AMD	249	901
43.38.010	REP	151	1001	43.51.070	RECD	249	1601
43.38.020	REP	151	1001	43.51.080	REP	249	1701
43.38.030	REP	151	1001	43.51.090	RECD	249	1601
43.38.040	REP	151	1001	43.51.100	RECD	249	1601
43.41.195	AMD	372	8	43.51.110	AMD	249	902
43.43	ADD	74	2,4	43.51.110	RECD	249	1601
43.43.120	AMD	74	1	43.51.112	AMD	301	1
43.43.274	AMD	74	3	43.51.112	RECD	249	1601
43.43.670	AMD	40	6	43.51.1121	AMD	301	2
43.43.705	AMD	151	1101	43.51.1121	RECD	249	1601
43.43.754	AMD	329	2	43.51.113	AMD	301	3
43.43.785	AMD	151	1102	43.51.113	RECD	249	1601
43.43.790	REP	151	1104	43.51.114	AMD	301	4
43.43.795	REP	151	1104	43.51.114	RECD	249	1601
43.43.800	AMD	151	1103	43.51.120	RECD	249	1601
43.43.830	AMD	45	5	43.51.130	AMD	59	2
43.43.834	AMD	21	2	43.51.130	RECD	249	1601
43.43.934	AMD	117	1	43.51.140	AMD	59	3
43.43.934	AMD	24	3	43.51.140	RECD	249	1601
43.43.944	AMD	117	2	43.51.150	RECD	249	1601
43.46.015	AMD	241	1	43.51.160	RECD	249	1601
43.51.010	REP	249	1701	43.51.170	RECD	249	1601
43.51.020	AMD	249	201	43.51.180	RECD	249	1601
43.51.020	RECD	249	1601	43.51.200	RECD	249	1601
43.51.030	AMD	249	202	43.51.210	AMD	249	601
43.51.030	RECD	249	1601	43.51.210	RECD	249	1601
43.51.040	AMD	155	1	43.51.215	RECD	249	1601
43.51.040	AMD	59	1	43.51.220	AMD	249	904
43.51.040	AMD	249	302	43.51.220	RECD	249	1601
43.51.040	RECD	249	1601	43.51.230	REP	249	1701
43.51.045	AMD	249	303	43.51.235	RECD	249	1601
43.51.045	RECD	249	1601	43.51.237	AMD	249	905

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<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>
43.51.237	RECD	249	1601	43.51.500	RECD 249 1601
43.51.240	RECD	249	1601	43.51.510	AMD 249 1201
43.51.250	RECD	249	1601	43.51.510	RECD 249 1601
43.51.260	REP	249	1701	43.51.530	RECD 249 1601
43.51.270	AMD	249	906	43.51.540	AMD 249 1202
43.51.270	RECD	249	1601	43.51.540	RECD 249 1601
43.51.275	RECD	249	1601	43.51.545	REP 249 1701
43.51.285	RECD	249	1601	43.51.550	RECD 249 1601
43.51.290	REMD	249	1401	43.51.560	RECD 249 1601
43.51.290	RECD	249	1601	43.51.570	RECD 249 1601
43.51.300	RECD	249	1601	43.51.580	RECD 249 1601
43.51.310	RECD	249	1601	43.51.590	RECD 249 1601
43.51.320	RECD	249	1601	43.51.650	RECD 249 1601
43.51.321	RECD	249	1601	43.51.655	RECD 249 1601
43.51.330	RECD	249	1601	43.51.660	RECD 249 1601
43.51.340	RECD	249	1601	43.51.665	RECD 249 1601
43.51.350	RECD	249	1601	43.51.670	RECD 249 1601
43.51.355	REP	249	1701	43.51.675	RECD 249 1601
43.51.360	RECD	249	1601	43.51.685	RECD 249 1601
43.51.365	RECD	249	1601	43.51.695	RECD 249 1601
43.51.370	RECD	249	1601	43.51.700	RECD 249 1601
43.51.375	RECD	249	1601	43.51.705	RECD 249 1601
43.51.380	RECD	249	1601	43.51.710	RECD 249 1601
43.51.385	RECD	249	1601	43.51.715	RECD 249 1601
43.51.395	RECD	249	1601	43.51.720	AMD 249 1101
43.51.400	RECD	249	1601	43.51.720	RECD 249 1601
43.51.405	RECD	249	1601	43.51.725	RECD 249 1601
43.51.407	RECD	249	1601	43.51.730	AMD 249 1102
43.51.409	RECD	249	1601	43.51.730	RECD 249 1601
43.51.411	RECD	249	1601	43.51.735	RECD 249 1601
43.51.415	RECD	249	1601	43.51.740	RECD 249 1601
43.51.417	RECD	249	1601	43.51.745	RECD 249 1601
43.51.419	RECD	249	1601	43.51.750	AMD 249 1103
43.51.420	RECD	249	1601	43.51.750	RECD 249 1601
43.51.430	RECD	249	1601	43.51.755	RECD 249 1601
43.51.432	AMD	249	1301	43.51.760	RECD 249 1601
43.51.432	RECD	249	1601	43.51.765	RECD 249 1601
43.51.434	RECD	249	1601	43.51.900	RECD 249 1601
43.51.436	RECD	249	1601	43.51.910	RECD 249 1601
43.51.438	RECD	249	1601	43.51.920	RECD 249 1601
43.51.440	RECD	249	1601	43.51.930	RECD 249 1601
43.51.442	RECD	249	1601	43.51.940	RECD 249 1601
43.51.444	RECD	249	1601	43.51.942	RECD 249 1601
43.51.446	RECD	249	1601	43.51.943	RECD 249 1601
43.51.448	RECD	249	1601	43.51.944	RECD 249 1601
43.51.450	RECD	249	1601	43.51.945	RECD 249 1601
43.51.452	RECD	249	1601	43.51.946	RECD 249 1601
43.51.454	RECD	249	1601	43.51.947	RECD 249 1601
43.51.456	RECD	249	1601	43.51.948	AMD 249 1001

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RCW		CH.	SEC.	RCW		CH.	SEC.
43.51.948	RECD	249	1601	43.98.080	RECD	249	1601
43.51.949	RECD	249	1601	43.98.090	RECD	249	1601
43.51.950	RECD	249	1601	43.98A.005	RECD	249	1601
43.51.951	RECD	249	1601	43.98A.010	RECD	249	1601
43.51.952	RECD	249	1601	43.98A.020	RECD	249	1601
43.51.953	RECD	249	1601	43.98A.030	RECD	249	1601
43.51.954	RECD	249	1601	43.98A.040	AMD	379	917
43.51.955	RECD	249	1601	43.98A.040	RECD	249	1601
43.51.956	RECD	249	1601	43.98A.050	AMD	379	920
43.59.150	AMD	351	1	43.98A.050	AMD	379	941
43.59.150	AMD	372	9	43.98A.050	RECD	249	1601
43.63A	ADD	295	1	43.98A.060	AMD	379	918
43.63A	ADD	267	4,5	43.98A.060	RECD	249	1601
43.63A	ADD	164	202	43.98A.070	AMD	379	919
43.63A.075	AMD	108	1	43.98A.070	RECD	249	1601
43.63A.125	AMD	295	3	43.98A.080	RECD	249	1601
43.63A.245	AMD	151	1201	43.98A.090	RECD	249	1601
43.63A.260	REP	151	1202	43.98A.100	RECD	249	1601
43.63A.650	AMD	267	3	43.98A.900	RECD	249	1601
43.70	ADD	151	402	43.98B.005	RECD	249	1601
43.70	ADD	374	9	43.98B.010	RECD	249	1601
43.70.195	AMD	153	57	43.98B.020	RECD	249	1601
43.70.280	AMD	34	1	43.98B.030	RECD	249	1601
43.70.330	REP	374	12	43.98B.900	RECD	249	1601
43.70.335	AMD	374	10	43.98B.910	RECD	249	1601
43.78.130	AMD	365	1	43.98B.920	RECD	249	1601
43.78.140	AMD	365	2	43.99.010	RECD	249	1601
43.79	ADD	309	927	43.99.020	RECD	249	1601
43.79.090	REP	346	8	43.99.025	RECD	249	1601
43.79A.040	AMD	182	2	43.99.030	RECD	249	1601
43.79A.040	AMD	384	8	43.99.040	RECD	249	1601
43.83B	ADD	379	921	43.99.050	RECD	249	1601
43.84.092	AMD	380	8	43.99.060	RECD	249	1601
43.84.092	AMD	380	9	43.99.070	RECD	249	1601
43.84.092	AMD	268	4	43.99.080	AMD	341	1
43.84.092	AMD	268	5	43.99.080	RECD	249	1601
43.84.092	AMD	309	928	43.99.095	RECD	249	1601
43.84.092	AMD	309	929	43.99.100	RECD	249	1601
43.84.092	AMD	94	2	43.99.110	RECD	249	1601
43.84.092	AMD	94	3	43.99.120	RECD	249	1601
43.84.092	AMD	94	4	43.99.124	RECD	249	1601
43.88.067	AMD	372	10	43.99.126	RECD	249	1601
43.98.010	RECD	249	1601	43.99.130	RECD	249	1601
43.98.020	RECD	249	1601	43.99.135	RECD	249	1601
43.98.030	RECD	249	1601	43.99.142	RECD	249	1601
43.98.040	RECD	249	1601	43.99.146	RECD	249	1601
43.98.050	RECD	249	1601	43.99.150	RECD	249	1601
43.98.060	RECD	249	1601	43.99.170	RECD	249	1601
43.98.070	RECD	249	1601	43.99.800	RECD	249	1601

RCW SECTIONS AFFECTED BY 1999 STATUTES

<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	<u>RCW</u>	<u>CH.</u>	<u>SEC.</u>	
43.99.810	RECD	249	1601	43.168.120	AMD 164 505	
43.99.820	RECD	249	1601	43.180.070	AMD 131 1	
43.99.830	RECD	249	1601	43.180.070	AMD 372 11	
43.99.900	RECD	249	1601	43.180.160	AMD 131 2	
43.99.910	RECD	249	1601	43.190	ADD 133 2	
43.101	ADD	389	2	43.190.060	AMD 133 1	
43.101.030	AMD	97	1	43.200.080	AMD 372 12	
43.101.060	AMD	97	2	43.220	ADD 280 7	
43.103.010	AMD	40	2	43.220.020	AMD 280 1	
43.103.020	AMD	40	3	43.220.030	AMD 280 2	
43.103.030	AMD	40	4	43.220.040	AMD 151 1301	
43.103.090	AMD	142	1	43.220.040	AMD 280 3	
43.103.090	AMD	40	5	43.220.050	REP 280 8	
43.105	ADD	80	2-4	43.220.060	AMD 280 4	
43.105	ADD	285	3,4	43.220.070	AMD 280 5	
			6-8	43.220.120	AMD 280 6	
			12	43.220.150	REP 280 8	
43.105.020	AMD	80	1	43.220.160	AMD 249 702	
43.105.020	AMD	285	1	43.220.190	AMD 151 1302	
43.105.032	AMD	241	2	43.220.210	AMD 151 1303	
43.105.041	REMD	285	5	43.220.220	REP 280 8	
43.105.047	AMD	80	5	43.220.230	REP 280 8	
43.105.052	AMD	80	6	43.220.240	AMD 151 1304	
43.105.055	AMD	80	7	43.220.240	REP 280 8	
43.105.080	AMD	80	8	43.330	ADD 303 1	
43.105.160	AMD	80	9	43.330	ADD 108 2	
43.105.170	REMD	80	10	43.330	ADD 384 1,2,4	
43.105.180	REMD	80	11			5,7,9
43.105.190	AMD	80	12	44.04	ADD 186 2	
43.105.320	AMD	287	18	44.04.170	AMD 153 59	
43.131.383	REP	280	8	44.40	ADD 1 E1 617	
43.131.384	REP	280	8	44.40.010	AMD 1 E1 616	
43.131.386	AMD	164	701	46.01	ADD 271 1	
43.135	ADD	288	1	46.01.050	REP 240 7	
43.155.030	AMD	153	58	46.01.055	REP 240 7	
43.155.070	AMD	164	602	46.01.090	REP 240 7	
43.160.010	AMD	164	101	46.01.260	AMD 86 2	
43.160.010	AMD	94	5	46.04	ADD 6 2	
43.160.020	AMD	164	102	46.04	ADD 219 1	
43.160.060	AMD	164	103	46.04.571	AMD 58 1	
43.160.070	AMD	164	104	46.16	ADD 351 4	
43.160.076	REMD	164	105	46.16.010	REMD 277 4	
43.160.200	AMD	164	107	46.16.160	AMD 270 1	
43.160.212	REP	164	702	46.16.381	AMD 136 1	
43.163.010	REMD	294	1	46.20	ADD 6 3,12	
43.168	ADD	164	503			27,28
43.168.010	AMD	164	501	46.20.015	AMD 6 4	
43.168.020	AMD	164	502	46.20.021	REMD 6 5	
43.168.110	AMD	164	504	46.20.025	AMD 6 6	

RCW SECTIONS AFFECTED BY 1999 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
46.20.027	AMD	199	1	46.20.515	AMD	274	11
46.20.031	AMD	6	7	46.20.550	RECD	6	28
46.20.035	AMD	6	8	46.20.720	AMD	331	3
46.20.041	AMD	6	9	46.29.270	AMD	296	2
46.20.041	AMD	274	12	46.32	ADD	351	5
46.20.045	AMD	6	10	46.37	ADD	219	2,3
46.20.055	AMD	6	11	46.37.420	AMD	208	1
46.20.055	AMD	274	13	46.37.460	REP	207	1
46.20.070	AMD	6	13	46.37.500	AMD	58	2
46.20.091	AMD	6	14	46.44.105	AMD	23	1
46.20.095	AMD	6	15	46.52	ADD	86	4
46.20.100	AMD	6	16	46.52.070	AMD	351	2
46.20.100	AMD	274	14	46.52.100	REP	86	8
46.20.106	REP	6	29	46.52.100	REMD	274	5
46.20.114	AMD	6	17	46.55	ADD	398	3
46.20.116	REP	6	29	46.55.010	AMD	398	2
46.20.117	AMD	6	18	46.55.080	AMD	398	4
46.20.117	AMD	274	15	46.55.100	AMD	398	5
46.20.120	AMD	199	3	46.55.105	AMD	86	5
46.20.120	AMD	6	19	46.55.110	AMD	398	6
46.20.120	AMD	308	1	46.55.120	AMD	327	5
46.20.130	AMD	6	20	46.55.120	AMD	398	7
46.20.157	AMD	6	21	46.61	ADD	200	1
46.20.161	AMD	6	22	46.61.165	AMD	206	1
46.20.161	AMD	308	2	46.61.475	REP	86	8
46.20.181	AMD	6	23	46.61.5055	REMD	5	1
46.20.181	AMD	308	3	46.61.5055	REMD	324	5
46.20.190	RECD	6	28	46.61.5055	REMD	274	6
46.20.205	AMD	6	24	46.61.50571	AMD	114	1
46.20.289	AMD	274	1	46.61.587	AMD	249	501
46.20.293	AMD	86	3	46.61.611	AMD	275	1
46.20.305	AMD	351	3	46.61.625	AMD	398	9
46.20.308	REMD	274	2	46.63.020	AMD	86	6
46.20.308	REMD	331	2	46.64.025	AMD	86	7
46.20.336	RECD	6	28	46.64.070	AMD	6	26
46.20.342	AMD	274	3	46.65.060	AMD	274	7
46.20.343	RECD	6	28	46.68.090	REMD	269	2
46.20.391	REMD	272	1	46.68.090	REMD	94	6
46.20.391	REMD	274	4	46.68.095	REP	269	17
46.20.394	AMD	272	2	46.68.095	REP	1	E1 618
46.20.414	RECD	6	28	46.68.095	AMD	94	7
46.20.430	RECD	6	28	46.68.100	REP	269	17
46.20.470	RECD	6	28	46.68.100	REP	1	E1 618
46.20.470	AMD	308	4	46.68.100	AMD	94	8
46.20.500	AMD	274	8	46.68.110	AMD	269	3
46.20.505	AMD	308	5	46.68.110	AMD	94	9
46.20.505	AMD	274	9	46.68.115	REP	269	17
46.20.510	AMD	6	25	46.68.130	AMD	269	4
46.20.510	AMD	274	10	46.68.150	REP	269	17

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RCW		CH.	SEC.	RCW		CH.	SEC.
46.68.180	REP	94	32	47.26.4254	AMD	94	23
46.68.190	REP	94	32	47.26.426	AMD	268	1
46.68.200	REP	94	32	47.26.427	AMD	268	2
46.70.180	AMD	398	10	47.26.505	AMD	269	9
46.80.010	AMD	278	1	47.26.505	REMD	1 EI	612
46.80.080	AMD	278	2	47.26.505	AMD	94	24
46.80.090	AMD	278	3	47.26.507	AMD	268	3
47.01.280	AMD	94	10	47.28.025	AMD	233	5
47.02.130	AMD	94	11	47.28.030	AMD	15	1
47.02.150	AMD	94	12	47.30.030	AMD	269	10
47.02.180	REP	94	33	47.30.050	AMD	269	11
47.04	ADD	215	2	47.36.005	AMD	201	1
47.06A.020	AMD	216	1	47.36.300	AMD	201	2
47.06A.030	AMD	216	2	47.36.310	AMD	201	3
47.06A.040	AMD	216	3	47.36.320	AMD	201	4
47.06B	ADD	385	2,3,6	47.36.320	AMD	213	1
47.06B.010	AMD	385	1	47.36.330	AMD	201	5
47.06B.030	AMD	385	5	47.36.330	AMD	213	2
47.06B.030	AMD	372	13	47.36.340	AMD	201	6
47.06B.900	AMD	385	7	47.36.350	AMD	201	7
47.06B.901	AMD	385	8	47.39	ADD	218	4,5,7
47.10.801	AMD	94	13	47.39.010	AMD	218	1
47.10.803	AMD	94	14	47.39.030	AMD	218	2
47.10.812	AMD	2 EI	1	47.39.060	AMD	218	3
47.12.063	AMD	210	1	47.39.070	REP	218	8
47.12.125	AMD	94	15	47.39.080	AMD	218	6
47.13.010	REP	94	33	47.42.120	AMD	276	1
47.13.020	REP	94	33	47.42.130	AMD	276	2
47.13.030	REP	94	33	47.42.911	AMD	276	3
47.13.040	REP	94	33	47.56.725	AMD	269	12
47.13.900	REP	94	33	47.56.750	AMD	269	13
47.22.020	AMD	57	1	47.56.771	AMD	269	14
47.26.060	REP	269	17	47.56.772	AMD	94	25
47.26.070	REP	269	17	47.56.775	REP	94	34
47.26.080	AMD	94	16	47.60.150	AMD	94	26
47.26.084	AMD	94	17	47.60.326	AMD	94	27
47.26.115	AMD	94	18	47.60.420	AMD	269	15
47.26.140	AMD	94	19	47.60.440	AMD	94	28
47.26.164	AMD	94	20	47.64.220	AMD	256	1
47.26.405	AMD	269	5	47.68.240	AMD	277	5
47.26.410	REP	269	17	47.68.250	AMD	302	2
47.26.425	AMD	269	6	47.68.255	AMD	277	6
47.26.425	REEN	1 EI	609	47.79	ADD	253	1-3
47.26.425	AMD	94	21	48	ADD	112	1-17
47.26.4252	AMD	269	7	48	ADD	8	1-15
47.26.4252	REEN	1 EI	610				17,18
47.26.4252	AMD	94	22	48.05	ADD	33	1
47.26.4254	AMD	269	8	48.18	ADD	369	3
47.26.4254	REMD	1 EI	611	48.29	ADD	30	34,35

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RCW	CH.	SEC.	RCW	CH.	SEC.		
48.36A	ADD	33	2	57.08.030	AMD	153	6
48.43	ADD	33	3	57.08.044	AMD	153	7
48.43	ADD	87	1	57.08.047	AMD	153	8
48.43	ADD	312	2	57.08.050	AMD	153	9
48.44.026	AMD	130	1	57.08.065	AMD	153	10
48.46	ADD	64	1	57.08.081	REEN	153	11
48.48.065	AMD	231	1	57.08.085	AMD	153	12
48.62.021	AMD	153	60	57.08.110	AMD	153	13
48.66.045	AMD	334	1	57.08.180	AMD	153	14
48.85.050	REP	372	17	57.16.060	AMD	153	15
49	ADD	377	2-8	57.16.110	AMD	153	16
49.17	ADD	115	1-6	57.20.120	AMD	153	17
49.17	ADD	374	2,4	57.20.140	AMD	153	18
49.17.120	AMD	93	1	57.24.040	AMD	153	19
49.46.020	AMD	1	1	57.24.050	AMD	153	20
49.60	ADD	3	1,2	57.28.050	AMD	153	21
49.70.170	AMD	309	917	57.32.023	AMD	153	22
50.16.030	AMD	36	1	57.36.040	AMD	153	23
51	ADD	7	1-7	57.90.010	AMD	153	24
51.04	ADD	369	4	58.09.050	AMD	39	1
51.12.020	AMD	68	1	58.09.110	AMD	39	2
51.12.120	AMD	394	1	59.20.010	AMD	359	1
51.16.035	AMD	7	8	59.20.030	AMD	359	2
51.32.040	AMD	185	1	59.20.040	AMD	359	3
51.32.095	REMD	110	1	59.20.050	AMD	359	4
51.32.240	AMD	396	1	59.20.060	REMD	359	5
51.32.240	AMD	119	1	59.20.070	AMD	359	6
51.36.020	AMD	395	1	59.20.073	AMD	359	7
51.48.110	AMD	185	2	59.20.074	AMD	359	8
51.52.010	AMD	149	1	59.20.075	AMD	359	9
52.04.011	AMD	105	1	59.20.080	AMD	359	10
52.04.031	AMD	105	2	59.20.130	AMD	359	11
52.04.061	AMD	105	3	59.20.135	AMD	359	12
52.08.011	AMD	153	61	59.20.145	AMD	359	13
53.04.010	AMD	306	2	59.20.150	AMD	359	14
53.08.120	AMD	29	1	59.20.170	AMD	359	15
53.08.240	AMD	306	3	59.20.210	AMD	359	16
53.48.001	AMD	153	62	59.20.220	AMD	359	17
53.48.010	AMD	153	63	60.44.030	AMD	233	6
54.04.030	AMD	153	64	60.68.045	AMD	233	7
54.16.030	AMD	154	1	61.16.030	AMD	233	8
54.16.120	AMD	154	2	63.14.010	AMD	113	1
54.16.180	AMD	69	1	63.14.040	AMD	113	2
54.24.010	AMD	18	6	63.14.110	AMD	113	3
57.04.050	AMD	153	1	63.14.130	AMD	113	4
57.08.005	AMD	153	2	64.12	ADD	248	1
57.08.014	AMD	153	3	64.32.120	AMD	233	9
57.08.015	AMD	153	4	64.44.010	AMD	292	2
57.08.016	AMD	153	5	64.44.020	AMD	292	3

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RCW	CH.	SEC.	RCW	CH.	SEC.
64.44.030	AMD	292	4	67.18.030	RECD 249 1601
64.44.040	AMD	292	5	67.18.040	RECD 249 1601
64.44.050	AMD	292	6	67.18.050	RECD 249 1601
64.44.060	AMD	292	7	67.18.900	RECD 249 1601
64.44.070	AMD	292	8	67.32.010	RECD 249 1601
65.04	ADD	233	14	67.32.020	RECD 249 1601
65.04	ADD	367	1	67.32.030	RECD 249 1601
65.04.015	AMD	233	10	67.32.040	RECD 249 1601
65.04.020	AMD	233	11	67.32.050	RECD 249 1601
65.04.045	AMD	233	12	67.32.060	RECD 249 1601
65.04.047	AMD	233	13	67.32.070	RECD 249 1601
65.04.060	AMD	233	15	67.32.080	RECD 249 1601
65.08.060	AMD	233	16	67.32.090	RECD 249 1601
65.08.140	AMD	233	17	67.32.100	RECD 249 1601
65.08.160	AMD	233	18	67.32.110	RECD 249 1601
66.08.180	REMD	40	7	67.32.130	RECD 249 1601
66.08.180	REMD	281	1	67.32.140	RECD 249 1601
66.08.220	AMD	281	2	67.38.160	AMD 254 1
66.12.070	AMD	88	1	68.24.090	AMD 367 2
66.12.110	AMD	281	3	68.50.107	AMD 40 8
66.24.185	AMD	281	4	68.50.107	AMD 281 13
66.24.290	REMD	281	14	68.60.020	AMD 367 3
66.24.300	REP	281	15	68.60.050	AMD 67 1
66.24.450	REMD	281	5	69	ADD 2 1-11
66.24.540	AMD	129	1	69.04.930	AMD 291 32
66.24.580	AMD	281	6	69.50.410	AMD 324 6
66.28	ADD	189	2	69.50.520	AMD 309 922
66.28.220	AMD	281	7	70	ADD 393 1-3
66.28.230	AMD	189	1	70.05	ADD 391 2
66.40.030	AMD	281	8	70.05.070	AMD 391 5
66.40.130	AMD	281	9	70.05.120	AMD 391 6
66.44.100	AMD	189	3	70.24	ADD 391 3
66.44.190	AMD	281	10	70.24.084	AMD 391 4
66.44.320	REP	189	4	70.24.107	AMD 372 14
66.44.340	AMD	281	11	70.28	ADD 172 11
66.44.350	AMD	281	12	70.28.010	AMD 172 2
67.08	ADD	282	1	70.28.020	AMD 172 3
67.08.002	AMD	282	2	70.28.037	AMD 172 4
67.08.015	AMD	282	3	70.28.040	REP 172 12
67.08.050	AMD	282	4	70.28.050	REP 172 12
67.08.080	AMD	282	5	70.30	ADD 172 10,11
67.08.090	AMD	282	6	70.30.061	AMD 172 5
67.08.100	REMD	282	7	70.30.072	REP 172 12
67.08.110	AMD	282	8	70.32.010	AMD 172 6
67.08.120	AMD	282	9	70.32.010	RECD 172 11
67.08.160	AMD	282	10	70.32.050	REP 172 12
67.18.005	RECD	249	1601	70.32.060	REP 172 12
67.18.010	RECD	249	1601	70.33.010	AMD 172 7
67.18.020	RECD	249	1601	70.33.010	RECD 172 11

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RCW		CH.	SEC.	RCW		CH.	SEC.
70.33.020	AMD	172	8	70.114A	ADD	374	1,3
70.33.020	RECD	172	11				5,11
70.33.030	REP	172	12	70.114A.020	AMD	374	6
70.33.040	AMD	172	9	70.114A.060	AMD	374	7
70.33.040	RECD	172	11	70.114A.081	AMD	374	8
70.33.060	REP	172	12	70.117.010	RECD	249	1601
70.38	ADD	376	1,2	70.117.015	RECD	249	1601
70.41.122	AMD	41	1	70.117.020	RECD	249	1601
70.44.140	AMD	99	1	70.117.025	RECD	249	1601
70.44.400	AMD	153	65	70.117.030	RECD	249	1601
70.48	ADD	325	3	70.117.040	RECD	249	1601
70.54.110	REP	374	12	70.118	ADD	263	22
70.58.300	REP	38	2	70.119.020	AMD	153	67
70.58.310	REP	38	2	70.119A.020	AMD	118	2
70.58.320	REP	38	2	70.124.010	AMD	176	20
70.58.322	REP	38	2	70.124.020	AMD	176	21
70.58.324	REP	38	2	70.124.030	AMD	176	22
70.58.330	REP	38	2	70.124.040	REMD	176	23
70.58.332	REP	38	2	70.124.060	AMD	176	24
70.58.334	REP	38	2	70.124.090	AMD	176	25
70.58.338	REP	38	2	70.124.100	AMD	176	26
70.58.340	REP	38	2	70.125.030	AMD	45	6
70.58.350	REP	38	2	70.127.010	AMD	190	1
70.79.010	AMD	183	1	70.127.080	AMD	190	2
70.79.030	AMD	183	2	70.127.090	AMD	190	3
70.79.080	AMD	183	3	70.127.110	AMD	190	4
70.79.090	AMD	183	4	70.146.070	AMD	164	603
70.79.130	AMD	183	5	70.148.020	AMD	73	1
70.79.140	AMD	183	6	70.190.090	AMD	309	918
70.79.150	AMD	183	7	71.05	ADD	214	4,6
70.79.160	AMD	183	8	71.05.020	AMD	13	5
70.79.280	AMD	183	9	71.05.212	AMD	214	5
70.79.310	AMD	183	10	71.05.235	AMD	11	1
70.83.040	AMD	76	1	71.05.245	AMD	13	6
70.88.010	RECD	249	1601	71.05.320	AMD	13	7
70.88.020	RECD	249	1601	71.05.390	AMD	12	1
70.88.030	RECD	249	1601	71.05.425	AMD	13	8
70.88.040	RECD	249	1601	71.05.640	REEN	13	9
70.88.050	RECD	249	1601	71.05.670	REEN	13	10
70.88.060	RECD	249	1601	71.05.680	REEN	13	11
70.88.070	RECD	249	1601	71.05.690	REEN	13	12
70.88.080	RECD	249	1601	71.05.940	AMD	13	13
70.88.090	RECD	249	1601	71.24	ADD	214	9
70.88.100	RECD	249	1601	71.24	ADD	10	5
70.95.060	AMD	116	1	71.24.015	AMD	214	7
70.95B.020	AMD	153	66	71.24.025	AMD	10	2
70.95H.020	REP	151	1401	71.24.030	AMD	10	3
70.96A	ADD	197	10	71.24.035	AMD	10	4
70.105D.070	REMD	309	923	71.24.049	AMD	10	6

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RCW		CH.	SEC.	RCW		CH.	SEC.
71.24.110	AMD	10	7	74.34.060	REP	176	35
71.24.220	AMD	10	8	74.34.070	AMD	176	10
71.24.300	AMD	214	8	74.34.080	AMD	176	11
71.24.300	AMD	10	9	74.34.110	AMD	176	12
71.24.400	AMD	10	10	74.34.130	AMD	176	13
71.24.405	AMD	10	11	74.34.180	AMD	176	14
71.24.410	REP	10	16	74.34.200	AMD	176	15
71.24.415	AMD	10	12	74.39	ADD	336	2-4,8
71.24.460	AMD	10	13	74.39A	ADD	175	3
72.09	ADD	324	7	74.39A.050	AMD	336	5
72.09	ADD	72	2	74.39A.060	AMD	176	34
72.09	ADD	214	2,3	74.39A.090	AMD	175	2
72.09	ADD	45	7	74.39A.170	AMD	354	1
72.09	ADD	196	12,13	74.46	ADD	353	9-12
			16				15
72.09.050	AMD	309	924	74.46	ADD	181	2
72.09.050	AMD	309	1902	74.46	ADD	392	1
72.09.111	AMD	325	2	74.46.020	AMD	353	1
72.09.480	AMD	325	1	74.46.350	AMD	353	13
72.11.040	AMD	309	921	74.46.350	REP	353	17
74.08A	ADD	340	1	74.46.360	AMD	353	2
74.08A.120	AMD	120	4	74.46.370	AMD	353	14
74.09	ADD	370	1	74.46.370	REP	353	17
74.09.5255	AMD	318	1	74.46.421	AMD	353	3
74.09.5255	AMD	318	2	74.46.431	AMD	353	4
74.09.5256	AMD	318	3	74.46.506	AMD	353	5
74.09.5256	AMD	318	4	74.46.506	AMD	181	1
74.12.010	AMD	120	1	74.46.511	AMD	353	6
74.12.035	AMD	120	2	74.46.511	AMD	181	3
74.12.036	REP	120	3	74.46.515	AMD	353	7
74.13	ADD	338	2	74.46.521	AMD	353	8
74.13.020	AMD	267	7	75.08.510	AMD	372	15
74.13.031	AMD	267	8	75.20.1001	REP	89	1
74.13.500	AMD	339	1	75.25.092	AMD	243	3
74.14B.010	AMD	389	5	75.28	ADD	103	1
74.15	ADD	267	12-15	75.28	ADD	239	1
			21,22	75.28.130	AMD	239	2
74.15.020	AMD	267	11	75.30	ADD	239	3,4
74.34	ADD	176	2,5	75.30.050	AMD	151	1601
			7-9	75.30.130	AMD	151	1602
			16-18	75.30.210	AMD	126	1
74.34	ADD	336	6	75.30.250	AMD	126	2
74.34.010	REP	176	35	75.46	ADD	4	E1 101
74.34.015	REP	176	35				1301
74.34.020	AMD	176	3	75.46	ADD	13	E1 3-6
74.34.025	AMD	176	4				9,13
74.34.030	REP	176	35				16
74.34.050	AMD	176	6	75.46.005	AMD	13	E1 1
74.34.055	REP	176	35	75.46.020	REP	372	17

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75.46.040	AMD	13	E1	8	77.32.440	AMD	235	2
75.46.050	AMD	13	E1	10	77.44.050	AMD	235	1
75.46.060	AMD	13	E1	11	78.44	ADD	252	2
75.46.070	AMD	13	E1	12	78.44.031	AMD	252	1
75.46.080	AMD	13	E1	15	79.01.128	AMD	257	1
75.46.100	AMD	13	E1	14	79.01.132	AMD	51	1
75.46.130	REP	13	E1	23	79.08.102	RECD	249	1601
75.50.165	AMD	242		4	79.08.104	RECD	249	1601
76.09	ADD	4	E1	201	79.08.106	RECD	249	1601
				204	79.08.1062	RECD	249	1601
				205	79.08.1064	RECD	249	1601
				707	79.08.1066	RECD	249	1601
				1402	79.08.1069	RECD	249	1601
76.09.010	AMD	4	E1	901	79.08.1072	RECD	249	1601
76.09.020	AMD	4	E1	301	79.08.1074	RECD	249	1601
76.09.030	AMD	4	E1	1001	79.08.1078	RECD	249	1601
76.09.040	AMD	4	E1	701	79.08.108	REP	249	1701
76.09.140	AMD	4	E1	801	79.08.109	RECD	249	1601
76.09.150	AMD	4	E1	802	79.24.580	AMD	309	919
76.09.170	AMD	4	E1	803	79.44.003	AMD	153	68
76.09.220	AMD	4	E1	902	79.64	ADD	279	3
76.09.220	REEN	90		1	79.64.030	AMD	279	1
76.09.330	AMD	4	E1	602	79.64.040	AMD	279	2
76.12.110	AMD	13	E1	18	79.72.010	RECD	249	1601
76.13	ADD	4	E1	501	79.72.020	AMD	151	1701
				503-505	79.72.020	AMD	249	801
76.13.010	AMD	4	E1	502	79.72.020	RECD	249	1601
76.42.060	AMD	4	E1	601	79.72.030	AMD	151	1702
77	ADD	363		1-3	79.72.030	AMD	249	802
77.12	ADD	205		1	79.72.030	RECD	249	1601
77.12	ADD	342		2-7	79.72.040	AMD	151	1703
77.12.720	RECD	249		1601	79.72.040	AMD	249	803
77.12.730	RECD	249		1601	79.72.040	RECD	249	1601
77.12.740	RECD	249		1601	79.72.050	AMD	151	1704
77.15.030	AMD	258		1	79.72.050	AMD	249	804
77.15.170	AMD	258		5	79.72.050	RECD	249	1601
77.15.190	AMD	258		9	79.72.060	RECD	249	1601
77.15.200	REP	258		13	79.72.070	AMD	249	805
77.15.230	AMD	258		6	79.72.070	RECD	249	1601
77.15.400	AMD	258		2	79.72.080	RECD	249	1601
77.15.410	AMD	258		3	79.72.090	RECD	249	1601
77.15.430	AMD	258		4	79.72.100	RECD	249	1601
77.15.460	AMD	258		7	79.72.900	RECD	249	1601
77.15.550	AMD	258		10	79A	ADD	249	101
77.15.600	AMD	258		8				301
77.15.670	AMD	258		11				401
77.16.070	AMD	258		12				701
77.32.050	AMD	243		2				907
77.32.094	REP	258		13				908

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			1601	82.24.130	AMD	193	3
79A	ADD	13	E1 17	82.24.145	AMD	193	4
80.28	ADD	62	1	82.26.025	AMD	309	926
80.36.600	AMD	372	16	82.27.020	AMD	126	3
81.04	ADD	351	6	82.27.070	AMD	126	4
81.60.070	AMD	352	4	82.29A.010	AMD	220	1
81.80.070	AMD	79	1	82.29A.020	AMD	220	2
81.104	ADD	202	7	82.29A.130	AMD	165	21
81.104.015	AMD	202	9	82.32	ADD	369	5
81.112	ADD	202	6	82.32.045	AMD	357	1
81.112	ADD	20	3-5	82.32.060	AMD	358	13
81.112.020	AMD	20	2	82.32.070	AMD	358	14
82.04	ADD	311	302	82.32.080	AMD	357	3
			303	82.32.090	AMD	277	11
82.04	ADD	212	2	82.35.080	AMD	358	15
82.04.120	AMD	211	2	82.36.025	AMD	269	16
82.04.120	AMD	9	E1 1	82.36.025	AMD	94	29
82.04.270	REEN	358	1	82.38.100	AMD	270	2
82.04.270	REEN	358	2	82.44.150	AMD	94	30
82.04.355	AMD	358	8	82.44.160	AMD	309	931
82.04.3651	AMD	358	3	82.44.180	AMD	94	31
82.04.4453	AMD	402	1	82.44.180	AMD	402	5
82.04.4454	AMD	402	3	82.45.010	AMD	209	2
82.08	ADD	311	501	82.48.020	AMD	277	7
82.08.02565	AMD	211	3	82.48.100	AMD	302	3
82.08.02565	AMD	211	5	82.49.010	AMD	277	8
82.08.02567	AMD	358	4	82.50.400	AMD	277	9
82.08.0266	AMD	358	5	82.50.530	AMD	92	1
82.08.02665	AMD	358	6	82.60	ADD	164	304
82.12	ADD	358	7	82.60.020	AMD	9	E1 2
82.12.020	AMD	358	9	82.60.020	AMD	164	301
82.12.02565	AMD	211	6	82.60.040	AMD	164	302
82.12.02567	AMD	358	10	82.60.045	REP	311	305
82.12.0282	AMD	358	11	82.60.047	REP	311	305
82.14	ADD	104	1	82.60.070	AMD	164	303
82.14	ADD	165	13	82.62	ADD	311	304
82.14.048	AMD	165	12	82.62	ADD	164	307
82.14.050	AMD	165	14	82.62.010	AMD	9	E1 3
82.14.310	AMD	309	920	82.62.010	AMD	164	305
82.14.370	AMD	311	101	82.62.030	AMD	164	306
82.14.380	AMD	311	201	83.100.020	AMD	358	19
82.16	ADD	311	402	83.100.180	AMD	42	636
82.16.047	AMD	358	12	84.04.120	AMD	153	69
82.16.048	AMD	402	2	84.14.020	AMD	132	1
82.16.049	AMD	402	4	84.14.050	AMD	132	2
82.23B.020	AMD	7	E1 1	84.26.080	AMD	233	19
82.24	ADD	193	5	84.33	ADD	4	E1 401
82.24.027	AMD	309	925	84.33.100	AMD	153	70
82.24.110	AMD	193	2	84.33.120	AMD	233	20

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84.33.140	AMD	233	21	88.12.025	RECD	249	1601
84.33.140	AMD	4	E1 703	88.12.029	RECD	249	1601
84.33.145	AMD	4	E1 704	88.12.032	RECD	249	1601
84.34.080	AMD	4	E1 705	88.12.033	RECD	249	1601
84.34.108	AMD	233	22	88.12.035	RECD	249	1601
84.34.108	AMD	4	E1 706	88.12.045	RECD	249	1601
84.34.108	AMD	139	2	88.12.055	RECD	249	1601
84.34.310	AMD	153	71	88.12.065	RECD	249	1601
84.36	ADD	203	1	88.12.075	RECD	249	1601
84.36	ADD	139	1	88.12.085	RECD	249	1601
84.36.041	AMD	358	16	88.12.095	RECD	249	1601
84.36.041	AMD	356	1	88.12.105	RECD	249	1601
84.36.350	AMD	358	17	88.12.115	AMD	310	1
84.36.353	REP	358	21	88.12.115	RECD	249	1601
84.36.383	AMD	358	18	88.12.125	RECD	249	1601
84.36.485	REP	358	21	88.12.135	RECD	249	1601
84.36.805	REMD	203	2	88.12.145	RECD	249	1601
84.36.805	REMD	139	3	88.12.155	RECD	249	1601
84.36.810	REMD	203	3	88.12.165	AMD	249	1502
84.36.810	REMD	139	4	88.12.165	RECD	249	1601
84.52.069	AMD	224	1	88.12.175	AMD	249	1503
84.55.015	AMD	96	1	88.12.175	RECD	249	1601
84.56	ADD	369	6	88.12.185	RECD	249	1601
84.56.330	AMD	233	23	88.12.195	AMD	249	1504
84.64.050	AMD	18	7	88.12.195	RECD	249	1601
84.64.080	AMD	153	72	88.12.205	AMD	249	1505
84.64.080	AMD	18	8	88.12.205	RECD	249	1601
84.64.120	AMD	18	9	88.12.215	RECD	249	1601
84.69.010	AMD	153	73	88.12.218	RECD	249	1601
84.69.020	REMD	8	E1 2	88.12.222	RECD	249	1601
84.70.010	AMD	8	E1 1	88.12.225	RECD	249	1601
86.16.041	AMD	9	1	88.12.227	RECD	249	1601
87.03	ADD	234	1,2	88.12.230	RECD	249	1601
87.03.015	AMD	153	74	88.12.232	RECD	249	1601
87.03.720	AMD	153	75	88.12.235	RECD	249	1601
87.03.725	AMD	153	76	88.12.245	RECD	249	1601
88.02.118	AMD	277	10	88.12.250	RECD	249	1601
88.04.005	AMD	111	1	88.12.255	RECD	249	1601
88.04.015	AMD	111	2	88.12.260	RECD	249	1601
88.04.025	AMD	111	3	88.12.265	RECD	249	1601
88.04.035	AMD	111	4	88.12.275	RECD	249	1601
88.04.045	AMD	111	5	88.12.276	RECD	249	1601
88.04.065	AMD	111	6	88.12.278	RECD	249	1601
88.04.310	AMD	111	7	88.12.279	RECD	249	1601
88.04.330	AMD	111	8	88.12.285	RECD	249	1601
88.12.010	RECD	249	1601	88.12.295	AMD	249	1506
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88.12.015	RECD	249	1601	88.12.305	AMD	249	1507

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88.12.325	RECD	249			1601
88.12.335	RECD	249			1601
88.12.345	RECD	249			1601
88.12.355	RECD	249			1601
88.12.365	AMD	249			1508
88.12.365	RECD	249			1601
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88.12.385	AMD	249			1509
88.12.385	RECD	249			1601
88.12.395	REP	249			1701
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88.12.505	RECD	249			1601
88.16.090	AMD	1	EI		607
88.27.010	RECD	249			1601
88.27.020	RECD	249			1601
88.27.030	RECD	249			1601
88.27.040	RECD	249			1601
88.27.050	RECD	249			1601
88.27.900	RECD	249			1601
89.08	ADD	305			7
89.08.020	AMD	305			1
89.08.080	AMD	305			2
89.08.110	AMD	305			3
89.08.130	AMD	305			4
89.08.150	AMD	305			5
89.08.180	AMD	305			6
89.08.220	AMD	305			8
89.08.350	AMD	305			9
89.08.360	AMD	305			10
89.08.370	AMD	305			11
89.08.380	REP	305			12
90.03	ADD	232			1,2
90.03.030	AMD	232			3
90.03.060	AMD	237			1
90.03.320	AMD	400			1
90.24.010	AMD	162			1
90.28.150	REP	4	EI		1401
90.48	ADD	255			2,3
90.48.420	AMD	4	EI		1101
90.48.445	AMD	11	EI		1
90.56.090	RECD	249			1601
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90.71.030	AMD	241			3
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<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
205	23	REP	10	15	235	501	AMD	309	1515
<u>LAWS 1991</u>			<u>LAWS 1999</u>		287	1	AMD	178	1
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	367	11	REP	164	703
314	33	REP	164	703	377	3	REP	299	5
<u>LAWS 1992</u>			<u>LAWS 1999</u>		454	509	AMD	309	1514
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>LAWS 1997</u> <u>LAWS 1999 1ST SP.S.</u>				
141	203	REP	373	605	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
141	203	REP	388	604	457		ADD	1	524
<u>LAWS 1993</u>			<u>LAWS 1999</u>		457	204	AMD	1	501
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	457	215	AMD	1	507
316	7	REP	164	703	457	223	AMD	1	514
<u>LAWS 1995</u>			<u>LAWS 1999</u>		457	303	AMD	1	520
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	457	403	AMD	1	523
209	2	REP	373	605	457	502	REP	1	525
209	2	REP	388	604	457	514	REP	1	525
209	3	REP	373	605	457	515	REP	1	525
209	3	REP	388	604	<u>LAWS 1998</u> <u>LAWS 1999</u>				
226	8	REP	164	703	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
<u>LAWS 1996</u>			<u>LAWS 1999</u>		92	1	AMD	355	1
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	225	3	REP	373	605
129	11	AMD	301	5	225	3	REP	388	604
316	2	REP	151	1901	322	29	AMD	353	10
<u>LAWS 1997</u>			<u>LAWS 1999</u>		346	101	AMD	309	1101
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	346	102	AMD	309	1102
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149		ADD	309	1703	346	106	AMD	309	1104
149		ADD	309	1704	346	107	AMD	309	1105
149		ADD	309	1705	346	108	AMD	309	1106
149		ADD	309	1706	346	110	AMD	309	1107
149		ADD	309	1707	346	111	AMD	309	1108
149		ADD	309	1708	346	113	AMD	309	1109
149		ADD	309	1715	346	114	AMD	309	1110
149	140	AMD	309	1114	346	115	AMD	309	1111
149	143	AMD	309	1116	346	117	AMD	309	1115
149	305	AMD	309	1303	346	118	AMD	309	1112
149	713	AMD	309	1714	346	121	AMD	309	1113
149	802	AMD	309	1803	346	128	AMD	309	1117
					346	201	AMD	309	1201

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309	210	AMD	392	2
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379		ADD	379	943
379		ADD	379	944
379		ADD	379	945
379		ADD	379	946
379		ADD	379	947
379	111	AMD	379	924
379	138	AMD	379	925
379	143	AMD	379	926
379	147	AMD	379	927
379	161	AMD	379	928
379	267	AMD	379	929
379	331	AMD	379	930
379	393	AMD	379	931
379	503	AMD	379	932
379	639	AMD	379	933
379	640	AMD	379	934
379	769	AMD	379	935
379	798	AMD	379	936
379	817	AMD	379	937
379	821	AMD	379	938
379	822	AMD	379	939
379	948	AMD	379	940

<u>LAWS 1999</u>			<u>LAWS 1999 IST S.P.S.</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
309		ADD	10	1
309	221	AMD	12	4
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HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE No. 1 (State-wide Prohibition)—Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE No. 2 (Eight Hour Law)—Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- *INITIATIVE MEASURE No. 3 (State-Wide Prohibition)—Filed January 8, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: For—189,840 Against—171,208. Act is now identified as Chapter 2, Laws of 1915.
- INITIATIVE MEASURE No. 4 (Drugless Healers)—Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE No. 5 (Eight Hour Law)—Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE No. 6 (Blue Sky Law)—Filed January 30, 1914. Submitted to voters at the state general election held on November 3, 1914. Failed to pass by the following vote: For—142,017 Against—147,298.
- INITIATIVE MEASURE No. 7 (Abolishing Bureau of Inspection)—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: For—117,882 Against—167,080.
- *INITIATIVE MEASURE No. 8 (Abolishing Employment Offices)—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: For—162,054 Against—144,544. Act is now identified as Chapter 1, Laws of 1915.
- INITIATIVE MEASURE No. 9 (First Aid to Injured)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: For—143,738 Against—154,166.
- INITIATIVE MEASURE No. 10 (Convict Labor Road Measure)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: For—111,805 Against—183,726.
- INITIATIVE MEASURE No. 11 (Fish Code)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE No. 12 (Abolishing Tax Commission)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.

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- INITIATIVE MEASURE No. 13 (**Eight Hour Law**)—Filed February 10, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For—118,881 Against—212,935.**
- INITIATIVE MEASURE No. 14 (**Legislative Reapportionment**)—Filed May 13, 1914. No petition filed.
- INITIATIVE MEASURE No. 15 (**Fundamental Reform Act**)—Filed May 15, 1914. No petition filed.
- INITIATIVE MEASURE No. 16 (**Legislative Reapportionment**)—Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE No. 17 (**State Road Measure**)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE No. 18 (**Brewers' Hotel Bill**)—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For—48,354 Against—263,390.**
(This initiative was erroneously numbered since it was actually an initiative to the Legislature. Now renumbered as Initiative to the Legislature No. 1A.)
- INITIATIVE MEASURE No. 19 (**Nonpartisan Election and Presidential Primary**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE No. 20 (**First Aid**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE No. 21 (**Home Rule**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE No. 22 (**Fisheries Code**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE No. 23 (**Politicians' Code**)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE No. 24 (**Brewers' Bill**)—Filed April 20, 1916. Submitted to the voters at the state general election held on November 7, 1916. Failed to pass by the following vote: **For—98,843 Against—245,399.**
- INITIATIVE MEASURE No. 25 (**Repealing State-Wide Prohibition**)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE No. 26 (**Making the State a Prohibition District**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE No. 27 (**Repealing Chapter 57, Laws of 1915, Relating to Regulation of Common Carriers**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE No. 28 (**Nonpartisan Elections**)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE No. 29 (**Capitol Removal Bill**)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE No. 30 (**Eight Hour Law**)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE No. 31 (**Municipal Marketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE No. 32 (**Picketing Measure**)—Filed February 5, 1918. No petition filed.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE No. 33 (Nonpartisan Elections and Presidential Primary)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE No. 34 (Relating to Salmon Fishing)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE No. 35 (Repealing Chapter 174, Laws of 1919, Relating to Prevention of Criminal Syndicalism)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE No. 36 (Municipal Marketing Measure)—Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE No. 37 (Relating to Ownership of Land by Aliens)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE No. 38 (Repealing Chapter 209, Laws of 1907, Relating to the Nomination of Candidates for Public Office)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE No. 39 (Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure)—Filed January 11, 1922. No petition filed.
- *INITIATIVE MEASURE No. 40 (Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax)—Filed January 18, 1922. Submitted to the voters at the state general election held on November 7, 1922. Measure approved into law by the following vote: For—193,356 Against—63,494. Act is now identified as Chapter 1, Laws of 1923.
- INITIATIVE MEASURE No. 41 (Nonpartisan Elections)—Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE No. 42 (Workmen's Compensation Measure)—Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE No. 43 (Relating to Injunctions in Labor Disputes)—Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE No. 44 (Relating to Municipal Ownership)—Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE No. 45 (Legislative Reapportionment)—Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE No. 46 ("30-10" School Plan)—Filed February 21, 1922. Submitted to the voters at the state general election held on November 7, 1922. Failed to pass by the following vote: For—99,150 Against—150,114.
- INITIATIVE MEASURE No. 47 (Workmen's Compensation Measure)—Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE No. 48 (Compulsory School Attendance)—Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE No. 49 (Compulsory School Attendance)—Filed January 15, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: For—158,922 Against—221,500.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE No. 50 (**Limitation of Taxation**)—Filed February 21, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For—128,677 Against—211,948.**
- INITIATIVE MEASURE No. 51 (**Pertaining to Salmon Fishing**)—Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE No. 52 (**Electric Power Measure**)—Filed April 8, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For—139,492 Against—217,393.**
- INITIATIVE MEASURE No. 53 (**Relating to Sanipractic**)—Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE No. 54 (**State Commission to License and Regulate Horse-Racing, Pool-Selling, etc.—Parimutuel Measure**)—Filed February 5, 1926. No petition filed.
- INITIATIVE MEASURE No. 55 (**Prohibiting Use of Purse Seines, Fish Traps, Fish Wheels, etc.**)—Filed February 16, 1928. No petition filed.
- INITIATIVE MEASURE No. 56 (**Redistricting State For Legislative Purposes**)—Filed April 24, 1930. Refiled as Initiative Measure No. 57.
- *INITIATIVE MEASURE No. 57 (**Redistricting State for Legislative Purposes**)—Filed April 25, 1930. Submitted to the voters at the state general election held on November 4, 1930. Measure approved into law by the following vote: **For—116,436 Against—115,641.** Act is now identified as Chapter 2, Laws of 1931.
- *INITIATIVE MEASURE No. 58 (**Permanent Registration**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For—372,061 Against—75,381.** Act is now identified as Chapter 1, Laws of 1933.
- INITIATIVE MEASURE No. 59 (**Tax Free Homes**)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE No. 60 (**Licensing of Mercantile Establishments**)—Filed January 9, 1932. No petition filed.
- *INITIATIVE MEASURE No. 61 (**Relating to Intoxicating Liquors**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For—341,450 Against—208,211.** Act is now identified as Chapter 2, Laws of 1933.
- *INITIATIVE MEASURE No. 62 (**Creating Department of Game**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For—270,421 Against—231,863.** Act is now identified as Chapter 3, Laws of 1933.
- INITIATIVE MEASURE No. 63 (**Exemption of Homes from Taxation**)—Filed January 9, 1932. No petition filed.
- *INITIATIVE MEASURE No. 64 (**Limits Tax Levy on Real and Personal Property to 40 Mills**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For—303,384 Against—190,619.** Act is now identified as Chapter 4, Laws of 1933.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE No. 65 (**Cascade Mountain Tunnel**)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE No. 66 (**Scientific Birth Control**)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE No. 67 (**Abolishes Excise Tax on Butter Substitutes**)—Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE No. 68 (**Unemployment Insurance**)—Filed March 21, 1932. No petition filed.
- *INITIATIVE MEASURE No. 69 (**Income Tax Measure**)—Filed March 22, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For—322,919 Against—136,983**. Act is now identified as Chapter 5, Laws of 1933.
- INITIATIVE MEASURE No. 70 (**Compulsory Military Training Prohibited**)—Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE No. 71 (**Liquor Control**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE No. 72 (**Distribution of Highway Funds**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE No. 73 (**Catching of Fish**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE No. 74 (**Tax Free Homes**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE No. 75 (**Unemployment Insurance**)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE No. 76 (**Tax Free Homes**)—Filed January 22, 1934. No petition filed.
- *INITIATIVE MEASURE No. 77 (**Fish Traps and Fishing Regulations**)—Filed February 1, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For—275,507 Against—153,811**. Act is now identified as Chapter 1, Laws of 1935.
- INITIATIVE MEASURE No. 78 (**Distribution of Highway Funds**)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE No. 79 (**Liquor Control**)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE No. 80 (**Liquor Control**)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE No. 81 (**Liquor Control**)—Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE No. 82 (**Fishing Regulations**)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE No. 83 (**State Sale of Gasoline**)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE No. 84 (**Blanket Primary**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE No. 85 (**State Fire Insurance**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE No. 86 (**State Fire Insurance**)—Filed March 21, 1934. No petition filed.

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- INITIATIVE MEASURE No. 87 (**Workmen's Compensation**)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE No. 88 (**Liquor Control**)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE No. 89 (**One Man Grand Jury**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE No. 90 (**Criminal Appeals**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE No. 91 (**Regulating Motor Carriers**)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE No. 92 (**Regulating Motor Carriers**)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE No. 93 (**Distribution of Highway Funds**)—Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- *INITIATIVE MEASURE No. 94 (**40-Mill Tax Limit**)—Filed May 18, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For—219,635 Against—192,168**. Act is now identified as Chapter 2, Laws of 1935.
- INITIATIVE MEASURE No. 95 (**Liquor Control**)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE No. 96 (**Repeal of Business Occupation Tax**)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE No. 97 (**Dog Racing**)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE No. 98 (**Business and Occupation Tax**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE No. 99 (**Distribution of Highway Funds**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE No. 100 (**40-Mill Tax Limit**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE No. 101 (**Civil Service**)—Filed January 14, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For—208,904 Against—300,274**.
- INITIATIVE MEASURE No. 102 (**Creating "State Government Bank" Department**)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE No. 103 (**Old Age Pension**)—Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE No. 104 (**Tax on Gasoline**)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE No. 105 (**Relating to Gill Nets**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE No. 106 (**Voter's Identification Certificate**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE No. 107 (**Tax on Gasoline**)—Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE No. 108 (**40-Mill Tax Limit**)—Filed March 12, 1936. No petition filed.

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INITIATIVE MEASURE No. 109 (**Admission of Sick to Hospitals**)—Filed March 14, 1936. No petition filed.

INITIATIVE MEASURE No. 110 (**Annuity for Crippled and Blind**)—Filed March 27, 1936. No petition filed.

INITIATIVE MEASURE No. 111 (**Admission of Sick to Hospitals**)—Filed April 8, 1936. No petition filed.

INITIATIVE MEASURE No. 112 (**Abolishing Compulsory Military Training**)—Filed April 9, 1936. No petition filed.

INITIATIVE MEASURE No. 113 (**Tax on Gasoline**)—Filed April 15, 1936. No petition filed.

*INITIATIVE MEASURE No. 114 (**40-Mill Tax Limit**)—Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Measure approved into law by the following vote: **For—417,641 Against—120,478**. Act is now identified as Chapter 1, Laws of 1937.

INITIATIVE MEASURE No. 115 (**Old Age Pension**)—Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For—153,551 Against—354,162**.

INITIATIVE MEASURE No. 116 (**Tax on Gasoline**)—Filed April 24, 1936. No petition filed.

INITIATIVE MEASURE No. 117 (**Production for Use**)—Filed May 1, 1936. No petition filed.

INITIATIVE MEASURE No. 118 (**Liens for Labor**)—Filed May 5, 1936. No petition filed.

INITIATIVE MEASURE No. 119 (**Production for Use**)—Filed May 9, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For—97,329 Against—370,140**.

INITIATIVE MEASURE No. 120 (**Tax on Gasoline**)—Filed May 11, 1936. No petition filed.

INITIATIVE MEASURE No. 121 (**Beer on Sunday**)—Filed May 14, 1936. No petition filed.

INITIATIVE MEASURE No. 122 (**Pertaining to Bribery and Grafting**)—Filed May 21, 1936. No petition filed.

INITIATIVE MEASURE No. 123 (**Business and Occupation Tax**)—Filed January 27, 1938. No petition filed.

INITIATIVE MEASURE No. 124 (**Distribution of Highway Funds**)—Filed February 9, 1938. No petition filed.

INITIATIVE MEASURE No. 125 (**Tax on Intoxicating Liquors**)—Filed February 15, 1938. No petition filed.

*INITIATIVE MEASURE No. 126 (**Nonpartisan School Election**)—Filed February 24, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For—293,202 Against—153,142**. Act is now identified as Chapter 1, Laws of 1939.

INITIATIVE MEASURE No. 127 (**Distribution of Highway Funds**)—Filed March 14, 1938. No petition filed.

INITIATIVE MEASURE No. 128 (**Civil Service**)—Filed March 14, 1938. No petition filed.

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- ***INITIATIVE MEASURE No. 129 (40-Mill Tax Limit)**—Filed March 18, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For—340,296 Against—149,534**. Act is now identified as Chapter 2, Laws of 1939.
- INITIATIVE MEASURE No. 130 (Regulation of Labor Disputes)**—Filed April 6, 1938. Submitted to the voters at the state general election held on November 8, 1938. Failed by the following vote: **For—268,848 Against—295,431**.
- INITIATIVE MEASURE No. 131 (Civil Service)**—Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE No. 132 (Old Age Assistance)**—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE No. 133 (Relating to Licensing Gambling)**—Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE No. 134 (Old Age Assistance)**—Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE No. 135 (40-Mill Tax Limit)**—Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE No. 136 (Relating to Retail Beer and Wine Licenses)**—Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE No. 137 (Relating to Gambling)**—Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE No. 138 (Relating to Gambling)**—Filed June 13, 1938. No petition filed.
- INITIATIVE MEASURE No. 139 (P. U. D. Bonds)**—Filed January 5, 1940. Submitted to the voters at the state general election held on November 5, 1940. Failed by the following vote: **For—253,318 Against—362,568**.
- INITIATIVE MEASURE No. 140 (Liquor Control)**—Filed January 9, 1940. No petition filed.
- ***INITIATIVE MEASURE No. 141 (Old Age Pension)**—Filed January 11, 1940. Submitted to the voters at the state general election held on November 5, 1940. Measure approved into law by the following vote: **For—358,009 Against—258,819**. Act is now identified as Chapter I, Laws of 1941.
- INITIATIVE MEASURE No. 142 (Chain Store Tax)**—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE No. 143 (Relating to State Sale of Gas and Oil)**—Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE No. 144 (Unicameral Legislature)**—Filed February 23, 1940. Withdrawn. Refiled as Initiative Measure No. 147.
- INITIATIVE MEASURE No. 145 (Government Reorganization)**—Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE No. 146 (Relating to Sabbath Breaking)**—Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE No. 147 (Unicameral Legislature)**—Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE No. 148 (Liquor Control)**—Filed May 18, 1940. No petition filed.

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- INITIATIVE MEASURE No. 149 (**Anti-Subversive Activities**)—Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE No. 150 (**Intoxicating Liquor Sold by the Drink**)—Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE No. 151 (**Old Age Assistance**)—Filed January 3, 1942. Submitted to the voters at the state general election held on November 3, 1942. Failed to pass by the following vote: **For**—160,084 **Against**—225,027.
- INITIATIVE MEASURE No. 152 (**Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture**)—Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE No. 153 (**Reconstitution of Board of State Land Commissioners**)—Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE No. 154 (**After Discharge Benefits to Persons in the Armed Forces**)—Filed April 28, 1942. No petition filed.
- INITIATIVE MEASURE No. 155 (**Washington Employment Peace Act**)—Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE No. 156 (**Liberalization of Old Age Assistance Laws**)—Filed February 19, 1944. Refined as Initiative Measure No. 157.
- INITIATIVE MEASURE No. 157 (**Liberalization of Old Age Assistance Laws**)—Filed March 3, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For**—240,565 **Against**—403,756.
- INITIATIVE MEASURE No. 158 (**Liberalization of Old Age Assistance Laws by the Townsend Clubs of Washington**)—Filed March 28, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For**—184,405 **Against**—437,502.
- INITIATIVE MEASURE No. 159 (**Increase of Injured Workmen's Compensation**)—Filed January 5, 1946. Insufficient signatures presented July 10, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE No. 160 (**Increase of Injured Workmen's Compensation**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE No. 161 (**Changing Form of General Election Ballot to Conform with Primary Election Ballot**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE No. 162 (**Prohibiting the Governor from Employing Members of the Legislature During the Term for Which He Shall Have Been Elected**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE No. 163 (**Prohibiting the Sale of Beer or Wine by any Person other than the State of Washington**)—Filed January 9, 1946. Insufficient signatures presented July 6, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE No. 164 (**Prohibiting the Sale of Fortified Wines**)—Filed February 25, 1946. No petition filed.

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- INITIATIVE MEASURE No. 165 (**Providing for the Sale of Liquor by the Drink**)—Filed March 1, 1946. Insufficient signatures presented July 8, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE No. 166 (**Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.**)—Filed April 24, 1946. Signature petitions filed June 29, 1946, submitted to the voters at the state general election held on November 5, 1946. Failed by the following vote: **For—220,239 Against—367,836.**
- INITIATIVE MEASURE No. 167 (**Providing Liquor by the Drink at Licensed Establishments**)—Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948, and measure not certified to state general election ballot.
- INITIATIVE MEASURE No. 168 (**Providing Liquor by the Drink for Consumption on Premises Where Sold**)—Filed January 2, 1948. No signature petitions presented for checking.
- *INITIATIVE MEASURE No. 169 (**Providing Bonus to Veterans of World War II**)—Filed January 2, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For—438,518 Against—337,410.** However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949).
- INITIATIVE MEASURE No. 170 (**Relating to Liberalization of Social Security Laws**)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.
- *INITIATIVE MEASURE No. 171 (**Providing Liquor by the Drink with Certain Restrictions**)—Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For—416,227 Against—373,418.** Act is now identified as Chapter 5, Laws of 1949.
- *INITIATIVE MEASURE No. 172 (**Relating to Liberalization of Social Security Laws**)—Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For—420,751 Against—352,642.** Act is now identified as Chapter 6, Laws of 1949.
- INITIATIVE MEASURE No. 173 (**Providing for the Observance of Daylight Saving Time in the State of Washington**)—Filed May 20, 1948. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 174 (**Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government**)—Filed January 16, 1950. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 175 (**Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under nonpartisan control**)—Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).

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INITIATIVE MEASURE No. 176 (Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation)—Filed April 20, 1950. Submitted to the voters at the state general election held on November 7, 1950. Failed to pass by the following vote: For—159,400 Against—534,689.

INITIATIVE MEASURE No. 177—Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.

*INITIATIVE MEASURE No. 178 (Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health)—Filed May 5, 1950. Submitted to the voters at the state general election held on November 7, 1950. Measure approved into law by the following vote: For—394,261 Against—296,290. Act is now identified as Chapter 1, Laws of 1951.

INITIATIVE MEASURE No. 179 (Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating)—Filed May 5, 1950. No signature petitions presented for checking.

*INITIATIVE MEASURE No. 180 (Authorizing the Manufacture, Sale and Use of Colored Oleomargarine)—Filed February 4, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: For—836,580 Against—163,752. Act is now identified as Chapter 1, Laws of 1953.

*INITIATIVE MEASURE No. 181 (Prescribing the Observance of Standard Time)—Filed February 27, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: For—597,558 Against—397,928. Act is now identified as Chapter 2, Laws of 1953.

INITIATIVE MEASURE No. 182 (Repealing Sunday Blue Laws)—Filed March 24, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE No. 183 (Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences)—Filed March 26, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE No. 184 (Liberalizing Old Age Pension Laws)—Filed April 3, 1952. Submitted to the voters at the state general election held on November 4, 1952. Failed by the following vote: For—265,193 Against—646,534.

INITIATIVE MEASURE No. 185 (Liberalizing Old Age Pension Laws)—Filed April 11, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE No. 186 (Providing a Civil Service System for Employees of County Sheriffs)—Filed April 14, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE No. 187 (Permitting a Modified Coloring of Oleomargarine)—Filed May 15, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE No. 188 (Raising Standards for Chiropractic Examinations)—Filed January 4, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: For—320,179 Against—493,108.

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- INITIATIVE MEASURE No. 189 (**Legislative Reapportionment**)—Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 190 (**Presidential Preference Primary**)—Filed January 6, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 191 (**Attorneys' Fees in Probate**)—Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 192 (**Regulation of Commercial Salmon Fishing**)—Filed February 16, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—237,004 Against—555,151.**
- INITIATIVE MEASURE No. 193 (**State-Wide Daylight Saving Time**)—Filed February 23, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—370,005 Against—457,529.**
- INITIATIVE MEASURE No. 194 (**Restricting Television Alcoholic Beverage Advertising**)—Filed March 26, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—207,746 Against—615,794.**
- INITIATIVE MEASURE No. 195 (**State Toll Commission**)—Filed March 30, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 196 (**the Unemployment Compensation Act**)—Filed April 23, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 197 (**Restricting Dams: Columbia River Tributaries**)—Filed May 12, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 198 (**Affecting Employer-Employee Relations**)—Filed January 19, 1956. Submitted to the voters at the state general election held on November 6, 1956. Failed to pass by the following vote: **For—329,653 Against—704,903.**
- *INITIATIVE MEASURE No. 199 (**Legislative Reapportionment and Redistricting**)—Filed February 16, 1956. Submitted to the voters at the November 6, 1956 state general election. Measure approved into law by the following vote: **For—448,121 Against—406,287.** However, 1957 Legislature extensively amended this act by passing Chapter 289, Laws of 1957 by two-thirds approval of both branches of the Legislature.
- INITIATIVE MEASURE No. 200 (**Increasing Public Assistance Benefits**)—Filed February 27, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE No. 201 (**Washington Fair Labor Standards Act**)—Filed March 2, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE No. 202 (**Restricting Labor Agreements**)—Filed January 6, 1958. Signature petitions filed July 3, 1958 and found sufficient. Submitted to voters at the state general election held on November 4, 1958. Failed by the following vote: **For—339,742 Against—596,949.**
- INITIATIVE MEASURE No. 203 (**Wood Pulp Waste Tax**)—Filed February 28, 1959. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 204 (**Civil Service for State Employees**)—Filed January 8, 1960. No signature petitions presented for checking.

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- INITIATIVE MEASURE No. 205 (Authorizing Tavern Spirituous Liquor Licenses)—Filed January 8, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Failed by the following vote: For—357,455 Against—799,643.
- INITIATIVE MEASURE No. 206 (Authorizing and Licensing "Denturistry")—Filed January 11, 1960. No signature petitions presented for checking.
- *INITIATIVE MEASURE No. 207 (Civil Service for State Employees)—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: For—606,511 Against—471,730. Act is now identified as Chapter 1, Laws of 1961.
- *INITIATIVE MEASURE No. 208 (Authorizing Joint Tenancies in Property)—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: For—647,529 Against—430,698. Act is now identified as Chapter 2, Laws of 1961.
- INITIATIVE MEASURE No. 209 (Minimum Old Age Assistance Grants)—Filed February 8, 1960. No signature petitions presented for checking.
- *INITIATIVE MEASURE No. 210 (State-Wide Daylight Saving Time)—Filed April 15, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: For—596,135 Against—556,623. Act is now identified as Chapter 3, Laws of 1961.
- INITIATIVE MEASURE No. 211 (State Legislative Reapportionment and Redistricting)—Filed January 8, 1962 by the League of Women Voters of Washington. Signature petitions filed on June 29, 1962 and as of August 22, 1962 it was determined that the necessary number of valid signatures had been submitted to certify measure to the voters for decision at the 1962 state general election. Measure was rejected by the voters by the vote: For—396,419 Against—441,085.
- INITIATIVE MEASURE No. 212 (Repealing Certain 1961 Tax Laws)—Filed January 8, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE MEASURE No. 213 (Authorizing and Licensing "Denturistry")—Filed January 8, 1962 by the Washington Society of Denturists. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE MEASURE No. 214 (Restricting the Legislature's Tax Power)—Filed February 19, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- *INITIATIVE MEASURE No. 215 (Marine Recreation Land Act)—Filed January 3, 1964 by the Citizens for Outdoor Recreation—Marvin B. Durning, Chairman. Signature petitions filed July 3, 1964 and found sufficient. Submitted to the voters at the November 3, 1964 state general election. Measure approved into law by the following vote: For—665,737 Against—381,743. Act is now identified as Chapter 5, Laws of 1965.

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- INITIATIVE MEASURE No. 216 (**Repeal—County, Regional Planning Act**)—Filed January 3, 1964 by the Committee for Private Property Rights—Joseph W. Shott, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 217 (**Election of State Game Commissioners**)—Filed January 8, 1964 by the Washington State Wild Life Council, Inc.—Theodore E. Lohman, Vice President. Refiled as Initiative Measure No. 221.
- INITIATIVE MEASURE No. 218 (**Automotive Repair Regulatory Act**)—Filed January 10, 1964 by the Car Owners Association of Washington—John S. Kelly, President. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 219 (**Repeal of Metro Enabling Act**)—Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington—Mrs. Ann Katheryn Jensen, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 220 (**Repeal of Urban Renewal Law**)—Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington—Mrs. Ann Katheryn Jensen, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 221 (**Election of State Game Commissioners**)—Filed February 13, 1964 by the Washington State Wild Life Council, Inc.—Theodore E. Lohman, Vice President. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 222 (**Reallocation of Liquor Sales Revenue**)—Filed February 20, 1964 by the More & Better Schools for Washington—Lloyd M. Brown, President. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 223 (**Extending Saturday Night Closing Hours**)—Filed February 26, 1964 by the Citizens Committee for Sensible Closing Hours—Chester W. Ramage, President. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 224 (**Prohibiting City Street Parking Fees**)—Filed March 31, 1964 by the Committee to Ban Parking Meters in the State of Washington—Edward John Kiter, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 225 (**Repealing State Statutes Against Discrimination**)—Filed April 23, 1964 by the Committee for Preservation of Freedom of Choice—William P. Brophy, Chairman. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 226 (**Cities Sharing Sales, Use Taxes**)—Filed January 10, 1966 by the Citizens' Committee for Community Betterment, Wayne C. Booth, Sr. of Seattle, Chairman. Signatures (180,896) filed July 8, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and rejected by the following vote: **For—403,700 Against—514,281.**
- INITIATIVE MEASURE No. 227 (**Buying Back Breakable Beverage Bottles**)—Filed January 10, 1966 by W. N. Dahmen on behalf of his son Randall Douglas Dahmen of Spokane. No signatures presented for checking.
- INITIATIVE MEASURE No. 228 (**Tax Exemption: Food and Medicine**)—Filed February 1, 1966 by Karl J. Beaty of Tacoma. No signatures presented for checking.
- *INITIATIVE MEASURE No. 229 (**Repealing Sunday Activities Blue Law**)—Filed February 17, 1966 by Lembhard G. Howell, David Sternhoff and Mark Patterson. Signatures (187,463) filed July 6, 1966 and found sufficient. Measure submitted to the voters for

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decision at the November 8, 1966 state general election and approved into law by the following vote: **For—604,096 Against—333,972**. Act is now identified as Chapter 1, Laws of 1967.

- INITIATIVE MEASURE No. 230 (**Rendering Emergency Aid—Liability Limitation**)—Filed February 17, 1966 and cosponsored jointly by the Washington State Association of Fire Chiefs, Washington State Firemen's Association, and Washington Association of Sheriffs and Police Chiefs. No signatures presented for checking.
- INITIATIVE MEASURE No. 231 (**Repealing Freight Train Crew Law**)—Filed March 11, 1966 by the Committee for Transportation Economy—Fred H. Tolan, Chairman. **Refiled as Initiative Measure No. 233.**
- INITIATIVE MEASURE No. 232 (**Supreme Court Judges—Powers—Election**)—Filed March 14, 1966 by Walter H. Philipp of Seattle. No signatures presented for checking. **Refiled as Initiative Measure No. 31 to the Legislature.**
- *INITIATIVE MEASURE No. 233 (Repealing Freight Train Crew Law)**—Filed March 22, 1966 by same sponsors of Initiative Measure No. 231. The only change in text of Initiative Measure No. 233 was the deletion of one sentence of the preamble as contained in Section 1 of Initiative Measure No. 231. Thus, for all practical purposes, the two initiative measures cover the same legal ground. Signatures (166,866) filed July 6, 1966 and found to be sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: **For—591,015 Against—339,978**. Act is now identified as Chapter 2, Laws of 1967.
- INITIATIVE MEASURE No. 234 (**Civil Service—Certain County Employees**)—Filed March 30, 1966 by the Committee to Improve County Government. The scope of this measure was limited to class AA and class A counties (King, Pierce and Spokane). In order to obtain additional support, a new proposal was drafted extending civil service to all counties and filed as Initiative Measure No. 237. For this reason, no attempt was made to obtain signatures for Initiative Measure No. 234.
- INITIATIVE MEASURE No. 235 (**Repealing Certain Mental Health Laws**)—Filed April 1, 1966 by Mrs. Rose R. Garrett Nelson of Puyallup. No signatures presented for checking.
- INITIATIVE MEASURE No. 236 (**Regulating Highway—Railroad Crossings**)—Filed April 15, 1966 by the Committee for the Elimination of Public Grade Crossings—Arthur J. McGinn of Spokane, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE No. 237 (**Civil Service for County Employees**)—Filed April 15, 1966 by the Committee to Improve County Government—Anne Shannon of Des Moines, Secretary. No signatures presented for checking.
- INITIATIVE MEASURE No. 238 (**Prohibiting Regulation of Land Use**)—Filed January 5, 1968 by the Committee for Private Property Rights—Joseph W. Shott of Olympia, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE No. 239 (**Mandatory County Civil Service System**)—Filed January 10, 1968 by the Special Committee of the King County Employees Association—Walter P. Barclay of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE No. 240 (**Termination: Certain Land Use Regulations**)—Filed January 15, 1968 by Robert W. Sollars of Everett. No signatures presented for checking.

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- INITIATIVE MEASURE No. 241 (**Calling 1970 State Constitutional Convention**)—Filed February 2, 1968 by the Committee to Call a Constitutional Convention—S. Lynn Sutcliffe of Seattle, Chairman. No signatures presented for checking.
- *INITIATIVE MEASURE No. 242 (**Drivers' Implied Consent—Intoxication Tests**)—Filed February 8, 1968 by the Washington State Medical Association—Dr. Charles P. Larson of Seattle, Vice-President. Signatures (123,589) filed July 3, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: **For—792,242 Against—394,644**. Act is now identified as Chapter 1, Laws of 1969.
- INITIATIVE MEASURE No. 243 (**Information for Life Insurance Purchasers**)—Filed February 19, 1968 by Theodore Radcliffe of Wenatchee. No signatures presented for checking.
- INITIATIVE MEASURE No. 244 (**State—County Tax Millage Shift**)—Filed February 23, 1969 by the Washington State Association of County Commissioners. No signatures presented for checking.
- *INITIATIVE MEASURE No. 245 (**Reducing Maximum Retail Service Charges**)—Filed April 4, 1968 by Joseph H. Davis, President, and Marvin L. Williams, Secretary-Treasurer of the Washington State Labor Council, AFL-CIO. Signatures (143,395) filed July 5, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: **For—642,902 Against—551,394**. Act is now identified as Chapter 2, Laws of 1969.
- INITIATIVE MEASURE No. 246—Filed January 6, 1970 by Donald N. McDonald. Immediately after filing, the sponsor decided to abandon the initiative measure. For this reason, Attorney General did not issue ballot title and no further action was taken. Refiled January 22, 1970 as Initiative Measure No. 248.
- INITIATIVE MEASURE No. 247 (**Increasing Maximum Retail Service Charges**)—Filed January 20, 1970 by the Washington Citizens for Competitive Credit—A. F. Carey of Seattle, Secretary-Treasurer. No signatures presented for checking.
- INITIATIVE MEASURE No. 248 (**Property Tax Millage Rate Reallocation**)—Filed January 22, 1970 by Donald N. McDonald of Bothell. No signatures presented for checking.
- INITIATIVE MEASURE No. 249—Filed February 11, 1970 by the Committee for Bingo for Washington—State Representative Mark Litchman, Jr. of Seattle, Chairman. NOTE: Attorney General refused to issue a ballot title for this measure because, in his opinion, the initiative procedure cannot be used to amend the state constitution. No further action was taken by the sponsor.
- INITIATIVE MEASURE No. 250 (**Certain Salary Increases—Voter Approval**)—Filed February 17, 1970 by the Committee for Voter Approved Salary Increases—Albert C. Navone of Seattle, Chairman. No signatures presented for checking.
- INITIATIVE MEASURE No. 251 (**State Taxation—To Regulate Imposition**)—Filed March 12, 1970 by Vick Gould of Tax Limit League, Bellevue. Signatures (135,668) filed July 3, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: **For—504,779 Against—527,263**.

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- INITIATIVE MEASURE No. 252 (**Property Taxation—Fixing Maximum Rate**)—Filed March 12, 1970 by Overtaxed, Inc.—Harley H. Hoppe, President. Due to technical reasons, the sponsor abandoned this measure and no further action was taken.
- INITIATIVE MEASURE No. 253 (**Open Land—Special Taxation Basis**)—Filed March 24, 1970 by the Island County Branch of American Taxpayers Association, Inc.—John Metcalf, Vice-chairman. No signatures presented for checking.
- INITIATIVE MEASURE No. 254 (**Certain Gambling Activities—Criminal Exemptions**)—Filed March 26, 1970 by the Washington State Federation of Fraternal, Patriotic, City and Country Clubs—M. R. Reynolds, President. No signatures presented for checking.
- INITIATIVE MEASURE No. 255—Filed April 20, 1970 by Robert H. Keller, Jr. of Bellingham. Refiled April 23, 1970 as Initiative Measure No. 256.
- INITIATIVE MEASURE No. 256 (**Prohibiting Certain Nonrefundable Beverage Receptacles**)—Filed April 23, 1970 by Robert H. Keller, Jr., of Bellingham. Signatures (188,102) filed July 1, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: **For—511,248 Against—538,118.**
- INITIATIVE MEASURE No. 257 (**Licensing Dog Racing—Parimutuel Betting**)—Filed April 29, 1970 by Donald Nicholson of Kirkland. No signatures presented for checking.
- INITIATIVE MEASURE No. 258 (**Certain Cities—Greyhound Racing Franchises**)—Filed January 7, 1972 by Donald Nicholson of Kirkland. Signatures (151,856) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: **For—526,371 Against—895,385.**
- INITIATIVE MEASURE No. 259 (**Providing for Presidential Preference Primary**)—Filed January 7, 1972 by Bellingham Junior Chamber of Commerce of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE No. 260 (**Regulating Horse and Dog Racing**)—Filed January 7, 1972 by Friends of Dog Racing (et al.) of Federal Way. No signatures presented for checking.
- INITIATIVE MEASURE No. 261 (**Liquor Sales by Licensed Retailers**)—Filed January 10, 1972 by Warren B. McPherson and Robert B. Gould of Seattle. Signatures (122,241) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: **For—634,973 Against—779,568.**
- INITIATIVE MEASURE No. 262 (**Minimum Age—Alcoholic Beverage Purchases**)—Filed January 13, 1972 by David G. Huey of Sedro Woolley. No signatures presented for checking.
- INITIATIVE MEASURE No. 263 (**Tax Reform**)—Filed January 19, 1972 by Robert J. Corcoran of Puyallup. Refiled January 31, 1972 as Initiative Measure No. 267.
- INITIATIVE MEASURE No. 264 (**Liberalizing State Regulation of Marijuana**)—Filed January 20, 1972 by Stephen Wilcox, Debbie Yarbrough, and Thomsen Abbott of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE No. 265—Filed January 20, 1972 by Joe Davis of Seattle. Refiled January 25, 1972 as Initiative Measure No. 266 with new sponsor.

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INITIATIVE MEASURE No. 266 (**Changing Congressional and Legislative Districts**)—Filed January 25, 1972 by Vernon L. Martin of Olympia. No signatures presented for checking.

INITIATIVE MEASURE No. 267 (**Repealing Most Property Tax Exemptions**)—Filed January 31, 1972 by Robert J. Corcoran of Puyallup. No signatures presented for checking.

INITIATIVE MEASURE No. 268 (**Unicameral Legislature**)—Filed February 8, 1972 by Philip Tenney Rensvold of Olympia. (Attorney General refused to issue ballot title because of opinion that initiative procedure cannot be used to amend constitution.)

INITIATIVE MEASURE No. 269 (**Examinations for Diplomas and Degrees**)—Filed February 9, 1972 by Eugene Lydic of Kelso. No signatures presented for checking.

INITIATIVE MEASURE No. 270 (**Election Campaign Financial Reports**)—Filed February 10, 1972 by Robert Corcoran of Puyallup. No signatures presented for checking.

INITIATIVE MEASURE No. 271 (**Income Tax and Revenue Distribution**)—Filed February 28, 1972 by Charles Clark Marshall of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 272 (**Recreational Personal Property—Taxation Removed**)—Filed March 1, 1972 by Gary K. Ballew of Vancouver. No signatures presented for checking.

INITIATIVE MEASURE No. 273—Filed March 2, 1972 by Margaret C. Tunks of Seattle. Refiled March 13, 1972 as Initiative Measure No. 274 with new sponsor.

INITIATIVE MEASURE No. 274 (**Reducing Motor Vehicle Fuel Tax**)—Filed March 13, 1972 by Jeffrey R. Perkins of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 275 (**Regulating Nonnative Wild Animal Sales**)—Filed March 23, 1972 by Harry and June Delaloye of Seattle. No signatures presented for checking.

*INITIATIVE MEASURE No. 276 (**Disclosure—Campaign Finances—Lobbying—Records**)—Filed March 29, 1972 by Michael T. Hildt of Seattle. Signatures (162,710) were submitted and found sufficient. Submitted to the voters for decision at the November 7, 1972 state general election and approved by the following vote: **For—959,143 Against—372,693**. Act is now identified as Chapter 1, Laws of 1973.

INITIATIVE MEASURE No. 277 (**Camping on Certain Ocean Beaches**)—Filed April 5, 1972 by Carl P. Hanun of Aberdeen. No signatures presented for checking.

INITIATIVE MEASURE No. 278 (**Tax Revision—Income Tax—Schools**)—Filed April 14, 1972 by Senator Francis E. Holman, Senator Nat Washington, and Representative Charles Moon of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 279 (**State Funding of Public Schools**)—Filed May 19, 1972 by Alvin C. Leonard, Jr., of Bothell. No signatures presented for checking.

INITIATIVE MEASURE No. 280 (**Limiting Special Legislative Sessions**)—Filed March 12, 1973 by Axel Julin, Chairman, Committee to Retain a Part Time Citizen Legislature. No signatures presented for checking.

INITIATIVE MEASURE No. 281—Filed June 8, 1973 by Bruce Helm of Alderwood Manor. Refiled June 12, 1973 as Initiative Measure No. 282 with a new sponsor, Kenneth D. Hansen of Seattle.

*INITIATIVE MEASURE No. 282 (**Shall state elected officials' salary increases be limited to 5.5% over 1965 levels, and judges' the same over 1972 levels?**)—Filed June 12, 1973 by

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Kenneth D. Hansen of Seattle. Signatures (699,098) were submitted and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: For—798,338 Against—197,795. Act is now identified as Chapter 149, Laws of 1974 Extraordinary Session.

INITIATIVE MEASURE No. 283 (Shall it be unlawful, except in an emergency, to hitchhike, or to pick up a hitchhiker along a public highway?)—Filed January 18, 1974 by Ms. Sallyann Devine of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 284 (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)—Filed January 22, 1974 by Representative Charles Moon. No signatures presented for checking.

INITIATIVE MEASURE No. 285 (Shall all privately or corporately owned land, including residential real estate, annually be taxed a minimum of \$2.50 per acre?)—Filed January 24, 1974 by Donn C. Higley of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 286 (Shall the membership of the legislature be reduced from forty-nine senators and ninety-eight representatives to twenty-one senators and sixty-three representatives?)—Filed January 30, 1974 by Harley H. Hoppe of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 287 (Shall salmon net fishing be prohibited in designated Puget Sound and adjacent waters unless permitted by a newly established commission?)—Filed January 31, 1974 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.

INITIATIVE MEASURE No. 288 (Shall couples with children under 18 be ineligible for divorce and, upon separation, shall a commission oversee their children's rights?)—Filed February 1, 1974 by Joseph Garske of Yakima. No signatures presented for checking.

INITIATIVE MEASURE No. 289 (Shall additional gambling activities, including slot machines and card rooms, be legalized, local regulation prohibited, and the state gambling commission replaced?)—Filed February 4, 1974 by Roy Needham of Yakima. No signatures presented for checking.

INITIATIVE MEASURE No. 290 (Shall liquor prices be limited and revenue distribution formulas changed, a new seven-member liquor board created, and an administrator appointed?)—Filed February 25, 1974 by Senator William S. "Bill" Day of Spokane. No signatures presented for checking.

INITIATIVE MEASURE No. 291 (Shall parents and other persons be prohibited from inflicting or threatening bodily punishment upon children or mentally retarded persons?)—Filed March 12, 1974 by Ms. Shirley Amiel of Bellevue. No signatures presented for checking.

INITIATIVE MEASURE No. 292 (Shall criminal penalties for state traffic law violations and laws imposing state retail sales taxes and use taxes be repealed?)—Filed March 18, 1974 by Jack Zektzer of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 293 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed and merit salary systems adopted?)—Filed March 18, 1974 by Senator Hubert F. Donohue of Dayton. No signatures presented for checking.

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- INITIATIVE MEASURE No. 294 (Shall the legislature be reduced to 21 senators and 63 representatives elected from single-member districts established by this initiative?)—Filed March 26, 1974 by Elizabeth J. Bracelin and Robert L. Burnham, Cosponsors. No signatures presented for checking.
- INITIATIVE MEASURE No. 295 (Shall the retail sales tax be eliminated on sales of food, clothing, medicines and medical devices, and residential construction costs?)—Filed April 4, 1974 by Richard Dymont, Chairman, Libertarian Party of Washington. No signatures presented for checking.
- INITIATIVE MEASURE No. 296 (Shall the 1973 law substituting principles of comparative negligence for those of contributory negligence in civil damage actions be repealed?)—Filed April 9, 1974 by James M. Petra of Chehalis. No signatures presented for checking.
- INITIATIVE MEASURE No. 297 (Shall any gambling activities be legal when licensed by the state gambling commission and authorized by the municipality where conducted?)—Filed April 15, 1974 by Gary Bacon, Chairman, Committee for Local Option. No signatures presented for checking.
- INITIATIVE MEASURE No. 298 (Shall an initiative be adopted stating that no person shall serve for more than eight consecutive years in the legislature?)—Filed May 10, 1974 by Harry S. Foster of Edmonds. No signatures presented for checking.
- INITIATIVE MEASURE No. 299 (Shall the tax on retail sales of liquor (spirits) in the original package be reduced by two cents per ounce?)—Filed May 13, 1974 by Alfred J. Schweppe on behalf of the Citizens Committee for Lower Liquor Taxes. Signatures (134,695) filed July 5, 1974. Petition failed. Not enough valid signatures obtained to place the measure on the November 5, 1974 state general election ballot.
- INITIATIVE MEASURE No. 300 (Shall certain rights of parents regarding public school curricula and teaching materials be defined and some school district programs restricted?)—Filed May 13, 1974 by Ms. Sally F. Tinner of Steilacoom. No signatures presented for checking.
- INITIATIVE MEASURE No. 301 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed?)—Filed January 16, 1975 by Ms. Dorothy Roberts of Bellevue. No signatures presented for checking.
- INITIATIVE MEASURE No. 302 (Shall the minimum age for the purchase or consumption of alcoholic beverages be lowered to 18 years?)—Filed January 28, 1975 by Ms. Diahn Schmidt of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE No. 303 (Shall an initiative be adopted declaring persons having served in the Congress a total of twelve years ineligible for reelection?)—Filed January 29, 1975 by Gene Goosman, Sr. of Seattle. No signatures presented for checking.
- INITIATIVE MEASURE No. 304 (Shall a new commission appoint the director of fisheries and manage food fish and shellfish for commercial and recreational purposes?)—Filed February 3, 1975 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.
- INITIATIVE MEASURE No. 305 (Shall the legal age for the use and consumption of alcoholic beverages be lowered to 19 years?)—Filed February 6, 1975 by Richard Spaulding and William G. Bowie, both of Cheney. No signatures presented for checking.

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INITIATIVE MEASURE No. 306 (Shall state appropriations be limited to 9% of state personal income and decreases in state support to municipalities be restricted?)—Filed February 13, 1975 by Kenneth D. Hansen of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 307 (Shall some common school curricula be specified, teaching methods limited and written parental consent to certain school activities be required?)—Filed March 7, 1975 by Paul O. Snyder of Tacoma. No signatures presented for checking.

INITIATIVE MEASURE No. 308 (Shall sales and business and occupation taxes be removed from certain transactions involving clothing, food, shelter, and health care products?)—Filed March 10, 1975 by Carl R. Nicolai of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 309 (Shall the Shoreline Management Act of 1971 and the subsequent amendments to that Act be repealed?)—Filed March 14, 1975 by James Mark Toevs of Chehalis. No signatures presented for checking.

INITIATIVE MEASURE No. 310 (Shall the present forest practices act be repealed and be replaced with provisions relating solely to requirements for reforestation?)—Filed March 18, 1975 by Ms. Betty J. Wells of Camano Island. No signatures presented for checking.

INITIATIVE MEASURE No. 311 (Shall the death penalty be mandatory in cases of first degree murder and the definitions of degrees of murder revised?)—Filed March 20, 1975 by Representative Earl F. Tilly. No signatures presented for checking.

INITIATIVE MEASURE No. 312 (Shall an Initiative be passed lowering certain real property taxes to 1960 levels, or, if greater, those at last transfer?)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.

INITIATIVE MEASURE No. 313 (Shall the names of signers of initiative and referendum petitions be confidential and the petitions destroyed after they are canvassed?)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.

INITIATIVE MEASURE No. 314 (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)—Filed April 16, 1975 by Representative Charles Moon of Snohomish. Signatures (136,077) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was rejected by the following vote: For—323,831 Against—652,178.

INITIATIVE MEASURE No. 315 (Shall maximum income levels entitling elderly and disabled persons to certain property tax exemptions be raised to \$10,000.00?)—Filed April 18, 1975 by Representatives Eleanor A. Fortson and John M. Fischer. No signature petitions presented for checking.

*INITIATIVE MEASURE No. 316 (Shall the death penalty be mandatory in the case of aggravated murder in the first degree?)—Filed May 26, 1975 by Representative Earl Tilly of Wenatchee. Signatures (134,290) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was approved by the following vote: For—662,535 Against—296,257. Act is now identified as Chapter 9, Laws of 1975-'76 2nd Extraordinary Session.

INITIATIVE MEASURE No. 317 (Shall evidence of speeding violations obtained by radar, certain other electronic devices or unmarked police vehicles be inadmissible in

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- court?)—Filed January 2, 1976 by David L. Bovy of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 318 (Shall all minimum age requirements of twenty-one years be reduced to eighteen?)—Filed January 6, 1976 by Martin Ringhofer of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 319 (Shall an initiative be adopted memorializing Congress to call a federal constitutional convention to limit taxation on income?)—Filed January 7, 1976 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 320 (Shall new or increased taxes be prohibited and regular property taxes retained in the districts where they are collected?)—Filed January 2, 1976 by Shirley Amiel of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 321 (Shall municipalities be empowered to permit gambling within their boundaries, licensed by the state, with tax revenues allocated to schools?)—Filed January 13, 1976 by William O. Kumbera and the Committee for Tax Relief Through Local Option Gambling of Ocean Shores. Signatures (136,006) submitted and found insufficient to qualify measure to the state general election ballot.
- INITIATIVE MEASURE No. 322 (Shall fluoridation of public water supplies be made unlawful and violations subject to criminal penalties?)—Filed January 2, 1976 by Caroline A. Sudduth of Seattle. Signatures (135,441) submitted and found insufficient to qualify measure to the state general election ballot. Suit was filed with Thurston County Superior Court against the Secretary of State and on appeal to the Supreme Court, Initiative Measure No. 322 was placed on the general election ballot on October 13. It was rejected at the November 2, 1976 general election by the following vote: For—469,929 Against—870,631.
- INITIATIVE MEASURE No. 323 (Shall an initiative be adopted declaring that no person shall hold most state elective offices more than twelve consecutive years?)—Filed January 2, 1976 by Senator Peter von Reichbauer of Burton and Jack Metcalf of Langley. No signature petitions presenting for checking.
- INITIATIVE MEASURE No. 324 (Shall the Shoreline Management Act of 1971 and subsequent amendments to that act be repealed?)—Filed January 12, 1976 by Melvin G. Toyne of Mt. Vernon. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 325 (Shall future nuclear power facilities which do not meet certain conditions and receive two-thirds approval by the legislature be prohibited?)—Filed February 3, 1976 by David C. II. Howard of Olympia. Signatures (approximately 165,000) submitted and found sufficient. Submitted to the voters at the November 2, 1976 general election and rejected by the following vote: For—482,953 Against—963,756.
- INITIATIVE MEASURE No. 326 (Shall grocery store sales of spirituous liquor be allowed, revenue distribution formulas changed, and the state liquor control board reconstituted?)—Filed March 17, 1976 by Ruth Berliner of Tacoma. Sponsorship of initiative withdrawn May 17, 1976.
- INITIATIVE MEASURE No. 327 (Shall commercial fishing and shellfishing be banned on Hood Canal until a sufficient supply is found to exist?)—Filed March 12, 1976 by J.L. Parsons of Union. Re filed as Initiative Measure No. 330.

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INITIATIVE MEASURE No. 328 (**Relating to Term Limitation**)—Filed March 16, 1976 by Patrick W. Biggs of Seattle for the Thomas Jefferson Society. Attorney General declined to prepare ballot title.

INITIATIVE MEASURE No. 329 (**Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?**)—Filed March 26, 1976 by C.R. Lonergan, Jr. of Seattle. Signatures (120,621) submitted and found insufficient to qualify measure for state general election ballot.

INITIATIVE MEASURE No. 330 (**Shall the commercial taking of fish, crab and shrimp be banned on Hood Canal until a sufficient supply is available?**)—Filed April 12, 1976 by J.L. Parsons of Union. Refiled as Initiative to the Legislature No. 52.

INITIATIVE MEASURE No. 331 (**Shall future school district special levies for operations be prohibited and previously approved operational levies for collection in 1977 be reduced?**)—Filed March 27, 1976 by Jerold W. Thiedt of Monroe. No signature petitions presented for checking.

INITIATIVE MEASURE No. 332 (**Shall the state be removed from the liquor business in favor of large grocers and certain other private business enterprises?**)—Filed April 19, 1976 by Robert B. Gould and Warren McPherson of Woodinville. No signature petitions presented for checking.

INITIATIVE MEASURE No. 333 (**Shall a single pension system, coordinated with social security, replace existing systems for most public employees hired after June 30, 1977?**)—Filed April 19, 1976 by Senator August P. Mardesich of Everett. No signature petitions presented for checking.

INITIATIVE MEASURE No. 334 (**Shall the fluid ounce tax on spirituous liquor in the original package be lowered from four to two cents?**)—Filed April 29, 1976 by Juanita K. Heaton of Seattle. No signature petitions presented for checking.

*INITIATIVE MEASURE No. 335 (**Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?**)—Filed January 10, 1977 by C.R. Lonergan, Jr. of Seattle. Signatures (175,998) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: **For—522,921 Against—431,989**. Act is now identified as Chapter I, Laws of 1979.

INITIATIVE MEASURE No. 336 (**Shall every municipality be authorized to permit all forms of state licensed gambling with tax revenues allocated to schools?**)—Filed January 11, 1977 by William O. Kumbra of The Committee for Tax Relief Through Local Option Gambling in Ocean Shores. No signature petitions presented for checking.

INITIATIVE MEASURE No. 337 (**Shall an initiative be adopted promoting the pursuit of peace through principals of mutual love and respect?**)—Filed January 10, 1977 by Kevin McKeigue of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 338 (**Shall driving motor vehicles up to 10 M.P.H. over the maximum speed limit be subject to fines not exceeding \$15.00?**)—Filed January 10, 1977 by Timothy Ramey of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 339 (**Shall the use of electronic voting devices and electronic vote tallying systems in any election in this state be prohibited?**)—Filed January 24, 1977 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.

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- INITIATIVE MEASURE No. 340 (Shall a convention be called to propose a new state constitution for approval or rejection by the people in 1979?)—Filed January 20, 1977 by Tom A. Alberg, Citizens Coalition for a Constitutional Convention of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 341 (Shall minimum age requirements for various purposes other than drinking alcoholic beverages be reduced to eighteen years?)—Filed February 7, 1977 by Martin Ringhofer of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 342 (Shall an initiative be adopted urging all state legislatures to reject and rescind approval of the federal equal rights amendment?)—Filed February 15, 1977 by Mrs. J.L. Glesener of Kennewick. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 343 (Shall state property taxes be eliminated, all other taxes limited, and state support levels for local government, including schools, mandated?)—Filed February 29, 1977 by Shirley Amiel, State Tax Freeze and School Funding Initiative Political Committee of Bellevue. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 344 (Shall the laws of the state be rewritten by January 1, 1981, to eliminate, if possible, ambiguity, redundancy and complexity?)—Filed March 7, 1977 by Patrick M. Crawford of Tumwater. No signature petitions presented for checking.
- *INITIATIVE MEASURE No. 345 (Shall most food products be exempt from state and local retail sales and use taxes, effective July 1, 1978?)—Filed March 30, 1977 by J. Linsey Hinand, Chairperson. Signatures (168,281) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: For—521,062 Against—443,840. Act is now identified as Chapter 2, Laws of 1979.
- INITIATIVE MEASURE No. 346 (Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?)—Filed May 31, 1977 by Susan Sink of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 347 (Shall payment of legislator's per diem allowances be limited to 120 days in odd-numbered years and 60 days in even-numbered years?)—Filed June 13, 1977 by Robert B. Overstreet of Everett. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 348 (Shall the new variable motor vehicle fuel tax be repealed and the previous tax and distribution formula be reinstated?)—Filed June 29, 1977 by Harley Hoppe of Mercer Island. Signatures (202,168) submitted and found sufficient. Submitted to the voters at the November 8, 1977 general election and after a mandatory recount was rejected by the following vote: For—470,147 Against—471,031.
- INITIATIVE MEASURE No. 349 (Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?)—Filed January 12, 1978 by Mr. Martin Ringhofer of Seattle. Sponsor failed to submit signatures for checking.
- *INITIATIVE MEASURE No. 350 (Shall public educational authorities be prohibited from, assigning students to other than the nearest or next-nearest school with limited exceptions?)—Filed February 10, 1978 by Mr. Ben Caley of Seattle. Signatures (182,882) submitted and found sufficient. Submitted to the voters at the November 7, 1978 general

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election and was approved by the following vote: **For—585,903 Against—297,991**. Act is now identified as Chapter 4, Laws of 1979.

- INITIATIVE MEASURE No. 351 (Shall the age at which persons may purchase, consume or sell alcoholic beverages be lowered from 21 to 19 years?)—Filed February 24, 1978 by Timothy J. Niggemeyer of Spokane. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 352 (Shall property owners not be liable for a trespasser's injury, unless the property owner intentionally and knowingly caused the injury?)—Filed February 27, 1978 by Gayle Crawford of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 353 (Shall all containers of alcoholic beverages clearly bear the warning "Contents may cause brain damage, communication breakdown and family degradation"?)—Filed April 28, 1978 by June and Pam Riggs of Mountlake Terrace. Sponsors failed to submit signatures for checking.
- INITIATIVE MEASURE No. 354 (Shall the first \$10,000 value of a residence regularly occupied by its owner or tenant be exempt from property taxes?)—Filed May 5, 1978 by Harley Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 355 (Refiled as Initiative Measure No. 356)
- INITIATIVE MEASURE No. 356 (Shall gambling and lotteries be permitted, and time and food sale limitations removed from sales of liquor by the drink?)—Filed May 23, 1978 by Mr. James Banker of Renton. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 357 (Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?)—Filed May 9, 1978 by Ms. Susan M. Sink of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 358 (Shall assessed valuations of retired persons' residences remain unchanged and nonvoted school levies generally be limited to 6% annual increase?)—Filed May 31, 1978 by Harley H. Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 359 (Shall increases in state tax revenues and expenditures be limited to the estimated rate of growth of state personal income?)—Filed June 6, 1978 by Mr. Will Knedlik of Kirkland. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 360 (Shall an initiative be adopted limiting property taxes to 1% of value and requiring 2/3 legislative approval to change taxes?)—Filed June 8, 1978 by Msrs. J. Van Self and A. M. Lee Parker of Tacoma. Sponsors submitted signatures but they were insufficient to appear on the November ballot.
- INITIATIVE MEASURE No. 361 (Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?)—Filed January 8, 1979 by Mr. Martin Ringhofer of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 362 (Shall an initiative be adopted prohibiting the possession, construction, transportation or sale of nuclear weapons within the state of Washington?)—Filed January 19, 1979 by Mr. Randal South of Seattle. No signatures were presented for checking.

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- INITIATIVE MEASURE No. 363 (Shall strikes by public school teachers and other certificated employees be prohibited and penalties imposed for participation in such strikes?)—Filed January 31, 1979 by Mr. Alan Gottlieb of Bellevue. No signatures were presented for checking.
- INITIATIVE MEASURE No. 364 (Shall persons with physical handicaps be allowed to serve in the state militia and state and local law enforcement units?)—Filed February 1, 1979 by Mr. Daniel M. Jones of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE No. 365 (Shall liquor retailing become a private business and a new five-member Liquor Control Board be created?)—Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 366 (Shall liquor retailing become a private business and any required food to liquor sales ratio in licensed restaurants be prohibited?)—Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 367 (Shall nursing homes be required to pay employees wages and benefits equal to those paid hospital employees performing comparable work?)—Filed February 9, 1979 by Mr. John W. Hempelmann of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 368 (Shall the state be absolutely prohibited from levying any property taxes and school districts be similarly restricted?)—Filed February 16, 1979 by Mr. John R. McBride of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE No. 369 (Shall the possession or sale of firearms be restricted, and mandatory sentences imposed for the commission of crimes involving firearms?)—Filed February 26, 1979 by Mr. Steven L. Kendall of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 370 (Shall a presidential preference primary be held to determine the percentage of delegate positions allocated each major political party candidate?)—Filed March 30, 1979 by Mr. Edward H. Hilscher of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 371 (Shall nuclear facilities be required to meet certain safety and liability standards and obtain state-wide voter approval prior to operation?)—Filed April 26, 1979 by Mr. William C. Montague of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 372 (State Lottery)—Filed January 4, 1980 by Mr. Lawrence C. Clever of Olympia. This measure was refiled as Initiative Measure No. 380.
- INITIATIVE MEASURE No. 373 (Shall a Retiree's Residence be Taxed at Its 1977 Value or, when Retirement Occurs after 1981, Its Retirement Year Value?)—Filed January 4, 1980 by Doyle R. Conner of Longview. No signatures presented for checking.
- INITIATIVE MEASURE No. 374 (Shall Property Tax Increases be Limited to Two Percent Annually and Special Property Tax Exemptions Granted to Retired Persons?)—Filed January 4, 1980 by Bill E. Hughes of Vancouver. No signatures presented for checking.
- INITIATIVE MEASURE No. 375 (Shall There be Mandatory Minimum Sentences, Restricted Local Firearms Regulations, No Affirmative Action for Police and Firemen, and

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- Additional Prisons?**—Filed by Kent Pullen of Kent. No signatures presented for checking.
- INITIATIVE MEASURE No. 376 (Shall Minimum Age Requirements for Various Legal Purposes, other than for Allowing Alcoholic Beverage consumption, be Reduced to Eighteen Years?)**—Filed January 16, 1980 by Martin Ringhofer of Seattle. No signature presented for checking.
- INITIATIVE MEASURE No. 377 (Shall Liquor Retailing Become a Private Business and any Required Food to Liquor Sales Ratio in Licensed Restaurants be Prohibited?)**—Filed January 24, 1980. No signatures presented for checking. Sponsored by Walter M. Friel of Tacoma.
- INITIATIVE MEASURE No. 378 (Shall the State be Absolutely Prohibited from Levying any Property Taxes and School Districts be Similarly Restricted with Limited Exceptions?)**—Filed by Art Lee of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE No. 379 (Shall Binding Arbitration of Public School Collective Bargaining Disputes be Required, Strikes by Public School Employees Prohibited and Penalties Established?)**—Filed by Cathleen R. Pearsall of Tacoma. No signatures presented for checking. Filed on February 11, 1980.
- INITIATIVE MEASURE No. 380 (Shall a State Lottery be Established and Operated by the Gambling Commission, with the Profits Deposited in the General Fund?)**—Filed February 11, 1980 by Lawrence C. Clever of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE No. 381 (Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions Including Rodent Control and Public Health?)**—Filed January 31, 1980 by Curtiss J. Clumpner and Howard F. McGraw of Bellingham. The sponsors refiled the measure as No. 386.
- INITIATIVE MEASURE No. 382 (Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?)**—Filed February 15, 1980 by Tom Casey. Measure was later refiled as No. 385.
- *INITIATIVE MEASURE No. 383 (Shall Washington Ban the Importation and Storage of Non-medical Radioactive Wastes Generated Outside Washington, Unless Otherwise Permitted by Interstate Compact?)**—Filed February 7, 1980 by Allan H. Jones of Seattle. Sponsor submitted 148,166 signatures and the measure was subsequently certified to the ballot. Submitted to the voters at the November 4, 1980 general election and was approved by the following vote: **For**—1,211,606 **Against**—393,415.
- INITIATIVE MEASURE No. 384 (Shall Limitations on Property Taxes and Assessments be Imposed and Other Tax Increases Prohibited Except by a Two-thirds Legislative Vote?)**—Filed February 20, 1980 by Norma Hildebrand of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE No. 385 (Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?)**—Filed March 3, 1980 by Tom Casey of Elma. No signatures presented for checking.

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INITIATIVE MEASURE No. 386 (Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions, Including Rodent Control and Public Health?)—Filed March 3, 1980 by Curtiss Clumpner of Lynnwood. No signatures presented for checking.

INITIATIVE MEASURE No. 387 (Shall Political Contributions and Campaign Practices be Limited, Conflicts of Interest Regulated, Disclosure Requirements Increased and Statutes in Conflict Repealed?)—Filed March 11, 1980 by Ann Quantock of Olympia. No signatures presented for checking.

INITIATIVE MEASURE No. 388 (Shall Congress be Memorialized to Create a Space Shuttle/Energy Lottery to Increase Space Travel and Achieve Energy Independence?)—Filed March 11, 1980 by Jeff Vale of Des Moines. No signatures presented for checking.

INITIATIVE MEASURE No. 389 (Shall it be Unlawful to Drive a Motor Vehicle Between the Hours of One and Two O'Clock on Sunday Afternoon?)—Filed March 12, 1980 by Keith G. Wesley of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 390 (Shall Private Retailers Replace State Liquor Stores with Sunday Package Sales Permitted, Tax Rates Revised and Certain Licensing Conditions Prohibited?)—Filed April 1, 1980 by John Franco of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 391 (Shall an Initiative be Adopted Providing that all Washington Land Shall be Taxed Exclusive of any Improvements on the Land?)—Filed April 11, 1980 by Jimmy D. Whittenburg of Olympia. No signatures presented for checking.

INITIATIVE MEASURE No. 392 (Shall a retiree's residence be taxed at its 1977 value or, when retirement occurs after 1982, its retirement year value?)—Filed January 19, 1981 by Doyle R. Conner of Longview. No signatures presented for checking.

INITIATIVE MEASURE No. 393 (Shall all timber sold by the state, or any political subdivision, be primarily processed within the state, and violations penalized?)—Filed January 5, 1981 by Brian Sirls of Tacoma. No signatures presented for checking.

*INITIATIVE MEASURE No. 394 (Shall public agencies obtain voter approval prior to issuing bonds for the construction or acquisition of major public energy projects?)—Filed January 6, 1981 by Steve Zemke of Seattle. Sponsor submitted 185,984 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 3, 1981 general election and was approved by the following vote: For—532,178 Against—384,419

INITIATIVE MEASURE No. 395 (Shall all property be taxable based on 1977 valuations; revaluations be prohibited; and excess school levies required two-thirds voter approval?)—Filed January 5, 1981 by Art Lee of Bellingham. No signatures were presented for checking.

INITIATIVE MEASURE No. 396 (Shall voter approval be required to construct or finance public or private energy facilities costing more than one billion dollars?)—Filed January 19, 1981 by Gretchen J. Hendricks and Jim Lazar of Olympia. No signatures were presented for checking.

INITIATIVE MEASURE No. 397 (Shall an initiative be adopted requiring the legislature to petition Congress to call a constitutional convention to roll back gasoline prices?)—

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- Filed January 19, 1981 by Robert G. Materson of Ellensburg. No signatures were presented for checking.
- INITIATIVE MEASURE No. 398 (Inheritance and Gift Tax)**—Filed by Dick Patten of Seattle. This measure was refiled as Initiative Measure No. 402.
- INITIATIVE MEASURE No. 399 (Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allowed?)**—Filed February 19, 1981 by Dick Patten of Seattle. Sponsor refiled this initiative as Initiative Measure No. 402.
- INITIATIVE MEASURE No. 400 (Shall excise, inheritance, gift and property taxes be replaced by a transaction tax on receiving property, limited to one percent?)**—Filed March 27, 1981 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 401 (Shall contributions to legislative candidates be limited, publicity practices regulated, disclosure required, and civil enforcement and criminal penalties be imposed?)**—Filed April 1, 1981 by Carol Jean Coe of Federal Way. The sponsor presented 141,282 signatures for checking. These signatures were found insufficient to qualify for the general election ballot.
- *INITIATIVE MEASURE No. 402 (Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allowed?)**—Filed April 3, 1981 by Dick Patten of Seattle. The sponsor presented 161,449 signatures for checking. The measure was subsequently certified to the ballot. Submitted to the voters at the November 3, 1981 general election and was approved by the following vote: **For—610,507 Against—297,445.**
- INITIATIVE MEASURE No. 403 (Shall the legal possession of handguns or handgun ammunition be restricted, licensing requirements be broadened and criminal penalties be imposed?)**—Filed March 16, 1981 by Steven L. Kendall of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 404 (Shall an independent commission be responsible for both congressional and legislative redistricting every ten years according to certain prescribed standards?)**—Filed April 30, 1981 by Jolene Unsoeld of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE No. 405 (Alcoholic beverages)**—Filed April 23, 1981 by Robert J. Corcoran of Puyallup. This measure was refiled as Initiative Measure No. 406.
- INITIATIVE MEASURE No. 406 (Shall all liquor retailing become a private business subject to certain restrictions, and the tax on liquor sales be reduced?)**—Filed May 15, 1981 by Robert J. Corcoran of Puyallup. No signatures were presented for checking.
- INITIATIVE MEASURE No. 407 (Shall the crime victims' compensation program be continued, funds appropriated, and programs established to provide information to victims and witnesses?)**—Filed May 20, 1981 by Manuel E. Costa of Marysville. This measure was refiled as Initiative to the Legislature No. 75.
- INITIATIVE MEASURE No. 408 (Motor fuel taxes)**—Filed May 20, 1981 by Harley H. Hoppe of Mercer Island. This measure was refiled as Initiative Measure No. 409.
- INITIATIVE MEASURE No. 409 (Shall the motor vehicle fuel and license tax laws be amended to restore prior tax rates and revise revenue distribution?)**—Filed June 1, 1981 by Harley H. Hoppe of Mercer Island. No signatures were presented for checking.

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- INITIATIVE MEASURE No. 410 (Shall all real and personal property be taxable on the basis of 1977 valuations and any revaluation thereafter be prohibited?)—Filed January 4, 1982 by Arthur E. Lee of Wenatchee. No signatures were presented for checking.
- INITIATIVE MEASURE No. 411 (Shall most maximum loan and retail sales interest rates be the higher of 12% or 1% over the discount rate?)—Filed January 4, 1982 by Marvin L. Williams and Lawrence G. Kenney of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 412 (Shall the maximum interest rate on retail sales be the higher of 12% or 1% over the federal discount rates?)—Filed January 4, 1982 by Marvin L. Williams and Lawrence G. Kenney of Seattle. The sponsors submitted 183,249 signatures for checking. The measure was subsequently certified to the ballot. Submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For—452,710 Against—880,135.
- INITIATIVE MEASURE No. 413 (Shall the present state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?)—Filed January 6, 1982 by Robert J. Corcoran of Puyallup. This measure refiled as Initiative No. 434.
- INITIATIVE MEASURE No. 414 (Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?)—Filed January 7, 1982 by Robert C. Swanson (Citizens for a Cleaner Washington) of Seattle. The sponsors submitted 193,347 signatures for checking. The measure was subsequently certified to the ballot. It was submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For—400,156 Against—965,951.
- INITIATIVE MEASURE No. 415 (Shall a state board of dentistry be established to license and regulate the practice of dentistry independent of licensed dentists?)—Filed January 19, 1982 by Homer A. Moulthrop (Citizens of Washington for Independent Dentistry) of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 416 (Shall voter approval be required to increase private utility rates by more than eight percent in any twelve-month period?)—Filed January 27, 1982 by Wilmot A. Hall, Jr. of Olympia. This measure refiled as Initiative No. 419.
- INITIATIVE MEASURE No. 417 (Shall the taxable value of principal residences of retirees over 60 be frozen at 75% of current assessed value?)—Filed January 27, 1982 by Ann Clifton of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE No. 418 (Shall the state's temporarily increased retail sales and use tax rate be reduced from 5.5% to 4.5%?)—Filed February 8, 1982 by Gregory R. McDonald of Redmond. No signatures were presented for checking.
- INITIATIVE MEASURE No. 419 (Shall voter approval be required to increase most utility rates by more than eight percent in any twelve-month period?)—Filed February 11, 1982 by Wilmot A. Hall of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE No. 420 (Shall all penalties, taxes and other limitations pertaining to the use, possession, cultivation, sale or transportation of marijuana be removed?)—Filed February 22, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 421 (Shall emission limitations for motor vehicles, air quality standards relating to such emissions, and vehicle emission inspection programs be

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- abolished?)**—Filed February 22, 1982 by Douglas L. Solbeck and Linda D. Solbeck of Lynnwood. No signatures were presented for checking.
- INITIATIVE MEASURE No. 422 (Shall a transaction tax on money and property transfers, not exceeding 1%, be substituted for excise, inheritance and property taxes?)**—Filed February 10, 1982 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 423 (Shall most sales or transfers of vehicles, aircraft and boats be taxed at current values, less trade-in, unless previously taxed?)**—Filed February 25, 1982 by Stephen Michael and Earl N. Dunbam of Longview. No signatures were presented for checking.
- INITIATIVE MEASURE No. 424 (Number assigned in error.)**
- INITIATIVE MEASURE No. 425 (Shall state marijuana criminal prohibitions, except sales for profit, be repealed but municipal prohibitions be permitted for those under eighteen?)**—Filed March 12, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 426 (Shall the value of trade-ins of like kind be subtracted from the tax base for state sales and use taxes?)**—Filed March 12, 1982 by Stephen Michael and Earl N. Dunham of Longview. No signatures were presented for checking.
- INITIATIVE MEASURE No. 427 (Shall the state Industrial Insurance Act be amended so as to eliminate the option for covered employers to self-insure?)**—Filed March 4, 1982 by Jack C. Martin of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE No. 428 (Shall per diem, travel expenses and moving allowances to public officers, employees, board members and elected officials be largely prohibited?)**—Filed March 2, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 429 (Shall public officers' salaries be reduced to 1979 levels; benefits eliminated; and any further salary increases conditioned upon voter approval?)**—Filed March 2, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 430 (Shall the possession, use, cultivation and transportation of marijuana by persons 18 and older be legalized?)**—Filed March 25, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 431 (Shall laws concerning lobbying, political fund raising, and the use of such funds be amended, with fees and penalties imposed?)**—Filed March 10, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 432 (Shall monthly grants of Aid to Families with Dependent Children be limited to \$300 or \$450, depending upon family size?)**—Filed March 16, 1982 by Robert S. Havens and Jean M. Havens of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE No. 433 (Shall able persons receiving aid to families with dependent children be required to a community work experience program?)**—Filed March 19, 1982 by Robert S. Havens and Jean M. Havens of Spokane. No signatures were presented for checking.

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- INITIATIVE MEASURE No. 434 (Shall the state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?)**—Filed April 13, 1982 by Robert J. Corcoran of Puyallup. This initiative was withdrawn and later filed as Initiative to the Legislature No. 78.
- INITIATIVE MEASURE No. 435 (Shall corporate franchise taxes, measured by net income, replace sales taxes on food and state corporate business and occupation taxes?)**—Filed April 12, 1982 by Dr. James A. McDermott of Seattle. The sponsor submitted 250,285 signatures for checking. The measure was subsequently certified to the ballot. It was submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: For—453,221 Against—889,091.
- INITIATIVE MEASURE NO. 436 (Shall most food products be exempt from state and local retail sales and use taxes, effective December 2, 1982?)**—Filed April 16, 1982 by Gregory McDonald of Redmond. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 437 (Shall the Food Tax Elimination Act of 1982, exempting most food products from retail sales and use taxation be enacted?)**—Filed April 15, 1982 by Stephen Michael and Frank Brunner of Lacey. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 438 (Shall tuition and fees be reduced, and the legislature set future increases based on a percentage of the educational costs?)**—Filed April 16, 1982 by Dennis Eagle (People for Affordable College Tuition) of Bremerton. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 439 (Shall county energy allocations in energy emergencies be in direct proportion to the percentage voting against Initiative 394 in 1981?)**—Filed May 5, 1982 by Richard Hastings of Pasco. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 440 (Shall sellers of home electronic equipment be licensed and commercial repairers of such equipment be required to meet competency standards?)**—Filed April 20, 1982 by Carl E. McDonald of Sunnyside. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 441 (Shall Initiative 394, requiring voter approval of bonds for major energy project construction or acquisition by public agencies, be repealed?)**—Filed April 27, 1982 by David L. Moore of Richland. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 442 (Shall the present gambling act be repealed, broader gambling activities authorized, taxes imposed, and certain revenues be dedicated to schools?)**—Filed April 30, 1982 by Harry Rowe (Committee for Gambling Taxes for Schools) of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 443 (Shall the present gambling act be repealed, broader gambling activities authorized, taxes imposed, and certain revenues be dedicated to schools?)**—Filed May 25, 1982 by Clifford A. Stone of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 444 (Shall a tax not to exceed 1% be imposed upon transfers of money or property and present taxes be repealed?)**—Filed January 14, 1983 by Clarence P. Keating of Seattle. No signatures were presented for checking.

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- INITIATIVE MEASURE NO. 445 (Shall eligibility for appointment to Game Commission be restricted; fees reduced; and processing of wildlife claims be eliminated?)**—Filed January 14, 1983 by David Littlejohn of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 446 (Shall elections be held to approve or disapprove the performance of state agencies designated by petitions signed by 10,000 registered voters?)**—Filed January 31, 1983 by James R. Collier of Silverdale. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 447 (Shall the present Gambling Act be repealed; broader gambling activities authorized; taxes imposed; and certain revenues dedicated to schools?)**—Filed February 14, 1983 by Audrey Stone of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 448 (Shall retail sales and use taxes be reduced, the watercraft use tax eliminated, and a penalty for tax nonpayment reduced?)**—Filed February 25, 1983 by Kent Pullen of Kent. This measure refiled as Initiative Measure No. 452.
- INITIATIVE MEASURE NO. 449 (Elimination of WPPSS)**—Filed March 1, 1983 by Theodore A. Mahr of Olympia. This measure refiled as Initiative Measure No. 451.
- INITIATIVE MEASURE NO. 450 (Attorney General declined to prepare a ballot title)**—Filed March 4, 1983 by John A. Kilma of Mercer Island. This measure refiled as Initiative Measure No. 453.
- INITIATIVE MEASURE NO. 451 (Shall laws relating to electrical joint operating agencies be repealed and existing agencies be directed to sell assets and terminate?)**—Filed March 7, 1983 by Theodore Mahr of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 452 (Shall the state sales tax be reduced to 4.5% and business and occupation surtaxes and boat excise taxes be repealed?)**—Filed March 11, 1983 by Kent Pullen of Kent. The sponsors submitted 146,689 signatures for checking. Verification was not complete at time of publication.
- INITIATIVE MEASURE NO. 453 (Shall the federal Internal Revenue Service's notices of the Privacy and Paper Work Reduction Acts be, by state law declarations, prohibited?)**—Filed March 21, 1983 by John A. Kilma of Mercer Island. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 454 (Shall abortions, unless necessary to preserve life, be ineligible for state medical aid to categorically needy persons under Title XIX?)**—Filed March 28, 1983 by James L. King, Jr. of Tacoma. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 455 (Shall the state be directed to seek, to require payment in gold of state held securities having a gold clause?)**—Filed January 9, 1984 by Robert Ellison of Seattle. This measure refiled as Initiative Measure No. 461.
- *INITIATIVE MEASURE NO. 456 (Shall Congress be petitioned to decommercialize steelhead, and state policies respecting Indian rights and management of natural resources be enacted?)**—Filed January 13, 1984 by Ellis Lind of Redmond and S/SPAWN. Sponsor submitted 201,188 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was approved by the following vote: **For—916,855 Against—807,825**

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- INITIATIVE MEASURE NO. 457 (Shall minimum age requirements by public and private entities be reduced to age 18 except those relating to drinking alcohol?)—Filed January 9, 1984 by Martin D. Ringhofer of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 458 (Shall watercraft be taxed on length rather than value and the funds be used for boating safety programs and facilities?)—Filed January 18, 1984 by Joseph L. Williams of Mercer Island. This measure refiled as Initiative Measure No. 459.
- INITIATIVE MEASURE NO. 459 (Shall watercraft be taxed on length rather than value and the funds be used for boating safety programs and facilities?)—Filed January 20, 1984 by Louise Miller of Woodinville. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 460 (Shall an additional tax be imposed, on beer, liquor, and out-of-state wine, for crime victims, alcohol rehabilitation, enforcement, and education?)—Filed January 12, 1984 by E.C. Renas of Lynnwood. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 461 (Shall the state seek to require corporations which issued securities having a gold clause to make payment in gold coin?)—Filed January 23, 1984 by Robert Ellison of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 462 (Shall Congress be memorialized to create a space shuttle/energy lottery to increase space travel and achieve energy independence?)—Filed January 13, 1984 by Jeff Vale of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 463 (Shall the legislature be directed to petition Congress to either propose a balanced budget constitutional amendment or call a convention?)—Filed January 24, 1984 by James R. Medley of Seattle. No signatures were presented for checking.
- *INITIATIVE MEASURE NO. 464 (Shall the value of trade-ins of like kind property be excluded from the selling price for the sales tax computation?)—Filed February 24, 1984 by Eugene A. Prince of Thornton. Sponsor submitted 196,728 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was approved by the following vote: For—1,175,781 Against—529,560
- INITIATIVE MEASURE NO. 465 (Shall state sales and business tax rates be reduced and limitations imposed on state general fund spending and tax increases?)—Filed February 16, 1984 by Kent Pullen of Kent. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 466 (Shall Nevada type gambling, regulated by the State Gambling Commission, be permitted if approved by voters in cities and counties?)—Filed February 10, 1984 by Fred M. Ladd of Ocean Shores. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 467 (Shall a tax not to exceed 1% be imposed upon transfers of money or property and present taxes be repealed?)—Filed February 14, 1984 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 468 (Shall real property tax rates be generally limited to one percent of 1975 property tax values, subject to limited adjustments?)—Filed March 20, 1984 by Martin H. Ottesen of Tacoma. No signatures were presented for checking.

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INITIATIVE MEASURE NO. 469 (Shall the State Gambling Commission be abolished and the net proceeds of some gambling activities be taxed 25 % for schools?)—Filed March 15, 1984 by Michael J. Kinsley of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 470 (Shall public funding of abortions be prohibited, and state funding required to prevent deaths of unborn children and pregnant women?)—Filed April 2, 1984 by Michael Undseth of Brier. This measure refiled as Initiative Measure No. 471.

INITIATIVE MEASURE NO. 471 (Shall public funding of abortions be prohibited except to prevent the death of the pregnant woman or her unborn child?)—Filed April 16, 1984 by Michael Undseth of Brier. Sponsor submitted 162,324 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was rejected by the following vote: For—838,083 Against—949,921

INITIATIVE MEASURE NO. 472 (Regarding federal initiative and referendum powers.)—Filed June 25, 1984 by Steven A. Panteli of Bellingham. Attorney General declined to write a ballot title because time limit expired.

INITIATIVE MEASURE NO. 473 (Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?)—Filed January 7, 1985 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 474 (Shall property taxes be reduced by deleting taxes previously paid on property now exempt from the 106% tax levy calculation?)—Filed January 31, 1985 by Orville L. Barnes of Spokane. This measure refiled as Initiative Measure No. 477.

INITIATIVE MEASURE NO. 475 (Shall Congress be requested to call a constitutional convention solely to propose an amendment providing federal initiative and referendum powers?)—Filed January 23, 1985 by Steven A. Panteli of Bellingham. No signatures were presented for checking.

INITIATIVE MEASURE NO. 476 (Shall denturists be licensed by the state and permitted to supply dentures to people without written directives from a dentist?)—Filed February 25, 1985 by Eldo Al Hohman of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 477 (Shall maximum permissible regular property tax levies be reduced by excluding inventory taxes, and voter-approved taxes from the 106% limitation?)—Filed March 14, 1985 by Orville L. Barnes of Spokane. No signatures were presented for checking.

INITIATIVE MEASURE NO. 478 (Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?)—Filed January 6, 1986 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 479 (Shall state and local governments be prohibited from funding abortion services unless they are necessary to preserve the woman's life?)—Filed January 6, 1986 by Michael Undseth of Lynnwood. The sponsors submitted 173,858 signatures for checking and they were found insufficient to qualify the measure for the state general election ballot.

INITIATIVE MEASURE NO. 480 (Regarding the publishing of names of victims of sexual attack.)—Filed January 6, 1986 by Philip A. Hamlin of Shelton. This measure refiled as Initiative Measure No. 481.

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- INITIATIVE MEASURE NO. 481 (Shall news media identifying victims, witnesses, or those accused, of sex crimes be fined unless law enforcement has requested disclosure?)—Filed January 14, 1986 by Philip A. Hamlin of Shelton. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 482 (Shall more out-of-state licensed motor vehicles be required to obtain Washington licenses and the penalties imposed for non-compliance be increased?)—Filed January 6, 1986 by M. Anders Tronsen of Duvall. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 483 (Shall the 55 m.p.h. speed limit adopted for energy conservation be rescinded and higher speed limits be established as appropriate?)—Filed January 7, 1986 by DeAnn Pullar of Bellingham. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 484 (Shall the state owned liquor stores be permanently closed and grocery stores and other outlets be licensed to sell liquor?)—Filed January 10, 1986 by Russell J. McCurdy of Seattle. This measure was refiled as Initiative Measure No. 487.
- INITIATIVE MEASURE NO. 485 (Shall the state be directed to submit a notice to Congress disapproving designation of a Washington nuclear waste repository site?)—Filed January 28, 1986 by Patricia Anne Herbert of Seattle. This measure was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 486 (Shall new taxes or increases in tax rates require a two-thirds vote by the governing body of the taxing authority?)—Filed January 29, 1986 by Don Jewett of Langley. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 487 (Shall state liquor stores, and state wholesaling of liquor, be discontinued and qualified grocery stores be licensed to sell liquor?)—Filed February 2, 1986 by Russell J. McCurdy of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 488 (Shall the state ferry system be managed by three full-time commissioners who will set ferry fares, staffing levels, and wages?)—Filed February 3, 1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 489 (Shall the legislature submit a constitutional amendment requiring voter approval of new taxes and full funding of state retirement systems?)—Filed February 11, 1986 by James L. King, Jr. of Tacoma. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 490 (Shall knowingly employing, in certain jobs, persons having preferences for or orientation toward conduct defined as sexually deviant, be prohibited?)—Filed February 21, 1986 by Glen Dobbs, of Chehalis. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 491 (Shall the minimum disability retirement allowance for Washington Public Employees' Retirement System members be sufficient to pay for medical insurance?)—Filed February 14, 1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 492 (Shall disability retirees under the Washington Public Employees' Retirement System be exempt from paying state recreational use and

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entry fees?)—Filed February 14, 1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 493 (Shall the legislature be statutorily prohibited from increasing taxes or imposing new taxes unless approved by 60% of each house?)—Filed March 11, 1986 by G. Robert Williams of Longview. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 494 (Shall state bonds be issued to raise funds for consumer grants to be deposited in banks for qualified registered voters?)—Filed March 24, 1986 by Steven A. Tracy of Longview. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 495 (Shall hazardous waste laws be amended to broaden state cleanup enforcement authority, increase and impose fees and specify strict liability?)—Filed April 24, 1986 by Pam Crocker-Davis of Lacey. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 496 (Shall certain excise taxes imposed in lieu of property taxes be limited to one percent of true and fair value?)—Filed on January 5, 1987 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 497 (Shall constitutional impact statements reflecting constitutional compliance or noncompliance be required to accompany all bills introduced in the state legislature?)—Filed on January 5, 1987 by John A. Klima of Issaquah. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 498 (Shall approval by two-thirds of a governing body be required for new taxes, tax rate increases, or tax base enlargement?)—Filed on January 9, 1987 by D.E. Jewett of Langley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 499 (Shall maximum tax rates on real and personal property be reduced and a new maximum include voter approved tax levies?)—Filed on January 23, 1987 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 500 (Shall a transaction tax, not to exceed 1% on transfers of money or property replace present state and local taxes?)—Filed on January 20, 1987 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 501 (Shall the statutory maximum tax per gallon on motor vehicle fuels be reduced to a 15 cents per gallon maximum?)—Filed on January 28, 1987 by Cecil F. Herman of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 502 (Shall the state law which requires the driver and passengers of a motor vehicle to use safety belts be repealed?)—Filed on February 9, 1987 by Donald T. Adsett of Kennewick. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 503 (Shall motor vehicle owners and operators be required to maintain vehicle liability insurance and submit proof thereof to license vehicles?)—Filed on February 13, 1987 by William D. Smith of Cashmere. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 504 (Shall individuals' net worth be taxed except for current bonded indebtedness be eliminated, and other taxes be reduced?)—Filed on March 17, 1987 by Meta Heller of Olympia. Sponsor failed to submit signatures for checking.

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- INITIATIVE MEASURE NO. 505 (Shall individuals' and trusts' net worth be taxed, not property except for current bonded indebtedness, and other taxes be reduced?)—Filed on March 27, 1987 by Meta Heller of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 506 (Shall the State conduct a March presidential preference primary for major political party candidates and certain election statutes be changed?)—Filed on May 12, 1987 by Eddie Rye, Jr. of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 507 (Shall motor vehicle liability insurance be required to drive in this state and proof of insurance submitted to license vehicles?)—Filed on January 12, 1988 by William D. Smith of Cashmere. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 508 (Shall the maximum for property tax rates be reduced and a maximum established to include tax levies approved by voters?)—Filed on January 8, 1988 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 509 (Shall the first \$150,000 of each piece of property's assessed valuation be exempt from the payment of the property taxes?)—Filed on January 15, 1988 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 510 (Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge the tax base?)—Filed on January 12, 1988 by D. E. Jewett of Langley. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 511 (Shall the 106% levy lid limiting the amount taxing districts can levy as regular property taxes be reduced to 98%?)—Filed on January 21, 1988 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 512 (Shall state and local tax rates, fees, fines and other charges be stabilized then reduced 2% annually for five years?)—Filed on January 11, 1988 by Judith Anderson of Brush Prairie. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 513 Filed on January 19, 1988 by Michael P. Shanks of Seattle. Measure was refiled as Initiative No. 514.
- INITIATIVE MEASURE NO. 514 (Shall household and local commercial movers be exempted from rate and service area regulation by the Utilities and Transportation Commission?)—Filed on February 11, 1988 by Michael P. Shanks of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 515 (Shall the January state holiday which celebrates the birth of Martin Luther King, Jr. be officially designated "Civil Rights Day"?)—Filed on February 10, 1988 by Brian Burgett of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 516 (Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?)—Filed on March 4, 1988 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 517 (Shall the state operate waste dumpsites and a Hanford facility, require separation of recyclable refuse, and regulate all garbage collectors?)—Filed on March 9, 1988 by Michael P. Shanks of Seattle. Sponsor failed to submit signatures for checking.

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***INITIATIVE MEASURE NO. 518 (Shall the state minimum wage increase from \$2.30 to \$3.85 (January 1, 1989) and then to \$4.25 (January 1, 1990) and include agricultural workers?)**—Filed on March 21, 1988 by Jennifer Belcher of Olympia and Art Wang of Tacoma. The sponsors submitted 300,900 signatures for checking. The measure was subsequently certified to the ballot and was submitted to the voters at the November 8, 1988 general election. It was approved by the following vote: For—1,354,454; Against—414,926.

INITIATIVE MEASURE NO. 519 (Shall continued frequent contacts with both parents be the most important factor considered by a court in determining child custody?)—Filed on March 3, 1988 by Dan D. Milne of Spokane. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 520 (Shall blood donors, in a voluntary noncompensatory blood donation program, have the right to designate the recipient of their blood?)—Filed on March 29, 1988 by Richard E. Woodrow of Lynnwood. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 521 (Shall active members of the Washington State Bar Association be ineligible to serve as a state legislative representative or senator?)—Filed on March 29, 1988 by Eugene Goosman of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 522 Filed on March 24, 1988 by James K. Linderman of Yacolt. Measure was refiled as Initiative to the Legislature No. 101.

INITIATIVE MEASURE NO. 523 (Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge the tax base?)—Filed on January 9, 1989 by D. E. Jewett of Langley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 524 (Shall the state expand the definition of child pornography, restrict display of materials, and limit defenses to sexual exploitation charges?)—Filed on January 10, 1989 by Andrea K. Vangor of Kirkland. The sponsor submitted 163,670 signatures for checking and they were found insufficient to qualify the measure for the state general election ballot.

INITIATIVE MEASURE NO. 525 (Shall the first \$100,000 of the assessed value of each piece of property be exempt from payment of property taxes?)—Filed on January 9, 1989 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 526 (Shall tax, fee and fine rates be reduced 2% annually for five years and new taxes require two-thirds voter approval?)—Filed on January 23, 1989 by Judith Anderson of Vancouver. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 527 (Shall a transaction tax, not exceeding 1% on the transfers of money or property, replace present state and local taxes?)—Filed on January 18, 1989 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 528 (Shall state laws relating to child custody be revised emphasizing frequent contact with each parent and each having equal custody?)—Filed on January 18, 1989 by Dan Milne of Spokane. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 529 (Shall blood donors, in a voluntary noncompensatory blood donation program, have the right to designate the recipient of their blood?)—Filed on

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February 16, 1989 by Richard E. Woodrow of Lynnwood. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 530 Filed on April 13, 1989 by Lyle Bates of Spanaway. Measured was refiled as Initiative to the People No. 531.

INITIATIVE MEASURE NO. 531 (Shall business donations for child services, benefiting those with income below 200% of federal poverty guidelines, receive state tax credits?)—Filed on April 26, 1989 by Lyle Bates of Spanaway. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 532 (Shall the 1989 Omnibus Alcohol and Controlled Substances Act be repealed, penalties revised for supplying minors, and some marijuana legalized?)—Filed on May 10, 1989 by Michael Shanks of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 533 (Shall child custody laws be revised and court custody orders normally direct equal continued and frequent contacts with each parent?)—Filed on January 8, 1990 by Bill Harrington of Edmonds. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 534 (Shall the display and distribution to minors of sexually explicit materials and performances be further restricted, and criminal defenses limited?)—Filed on January 9, 1990 by Andrea K. Vangor of Kirkland. The sponsor submitted 180,373 signatures for checking and they were found insufficient to qualify the measure for the state general election ballot.

INITIATIVE MEASURE NO. 535 (Shall property value for tax purposes be, the January 1, 1985 value or subsequent sale price, revised annually reflecting cost of living?)—Filed on January 9, 1990 by Marijcke V. Clapp of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 536 (Shall minimum sentences ranging from five to forty years be established for each of twenty-one crimes listed in this initiative?)—Filed on January 19, 1990 by Thomas R. Connou of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 537 (Shall a transaction tax, not to exceed 1%, on transfers of money and property replace present state and local taxes?)—Filed on January 22, 1990 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 538 (Shall political contributions be limited regarding amount, timing and residency of contributors, and elected officials restricted on mailings and honoraria?)—Filed on January 29, 1990 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 539 (Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge a tax base?)—Filed on January 26, 1990 by D. E. Jewett of Langley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 540 (Shall the state be required to include in the medicaid program coverage for chiropractic services?)—Filed on January 22, 1990 by Roxanne Dubarry of Everett. Sponsor failed to submit signatures for checking.

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- INITIATIVE MEASURE NO. 541 (Shall the state and local tax levies on buildings be limited to a maximum of 50% of the current tax rate?)—Filed on February 5, 1990 by Charles Caussey of Spokane. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 542 (Shall the reappraisal of real property for property tax purposes only occur when ownership changes or building construction is completed?)—Filed on February 23, 1990 by Gary C. Hoyt of Vashon Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 543 (Relating to state fiscal matters.)—Filed on March 8, 1990 by Linda W. Matson of Olympia. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 544 (Relating to state fiscal matters.)—Filed on March 8, 1990 by John H. Wright of Elma. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 545 (Relating to comprehensive land use planning and economic development.)—Filed on March 15, 1990 by David A. Bricklin of Seattle. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 546 (Relating to fiscal matters.)—Filed on March 26, 1990 by Linda W. Matson of Olympia. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 547 (Shall state growth and environmental protection goals be implemented by measures including local comprehensive land use planning and development fees?)—Filed on March 27, 1990 by Jeffrey D. Parsons of Seattle. 229,489 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 6, 1990 general election. It was defeated by the following vote: For—327,339; Against—986,505.
- INITIATIVE MEASURE NO. 548 (Shall some state revenues be placed in reserve and 60% legislative approval required for new or increased general revenue taxes?)—Filed on March 29, 1990 by Linda W. Matson of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 549 (Shall state growth and environmental protection goals be implemented by measures including local comprehensive land use planning and development fees?)—Filed on March 29, 1990 by Theodore A. Mahr of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 550 (Relating to managing growth and economic development.)—Filed on March 29, 1990 by Theodore A. Mahr of Olympia. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 551 (Shall changes be made relating to real property taxes, including valuing property by its purchase price and costs of improvements?)—Filed on April 30, 1990 by Karl Thun of Graham. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 552 (Shall limitations be placed on political campaign contributions and contributors, consecutive terms of office, publicly funded incumbent mailings, and honoraria?)—Filed on January 17, 1991 by Robert E. Adams of Bellevue. The measure was refiled as Initiative to the People No. 555.
- INITIATIVE MEASURE NO. 553 (Shall there be limitations on terms of office for Governor, Lieutenant Governor, state legislators and Washington state members of Congress?)—Filed on January 9, 1991 by Gene J. Morain of Tacoma. 254,263 signatures were

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submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 5, 1991 general election. It was defeated by the following vote: For—690,828 Against—811,686.

INITIATIVE MEASURE NO. 554 (Shall the display and distribution to minors of sexually explicit materials and performances be further restricted, and criminal defenses limited?)—Filed on January 10, 1991 by Andrea K. Vangor of Kirkland. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 555 (Shall limits be placed on campaign contributions and contributors, consecutive terms of office, publicly funded incumbent mallings, gifts, and bonoraria?)—Filed on January 17, 1991 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 556 (Shall the first \$1,000,000 of appraised value of residential property, and \$2,000,000 for farm residences, be exempt from property taxes?)—Filed on January 8, 1991 by David S. Henshaw of Belfair. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 557 (Shall campaign expenditures be limited to 50% of the elected office term salary and violations result in forfeiture of office?)—Filed on January 22, 1991 by Douglas N. Maynard of Sedro Woolley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 558 (Shall a limit, three consecutive terms or twelve consecutive years, be set for elected national, state, county, and municipal officers?)—Filed on January 22, 1991 by Douglas N. Maynard of Sedro Woolley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 559 (Shall property value for tax purposes be the January 1, 1985 value or subsequent sales price, adjusted for cost of living changes?)—Filed on January 23, 1991 by Marijcke Clapp of Seattle. 276,653 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 5, 1991 general election. It was defeated by the following vote: For—592,391 Against—869,626.

INITIATIVE MEASURE NO. 560 (Shall abortion laws be revised, restricting availability, requiring tests and reports, and prohibiting public funding unless necessary to save life?)—Filed on January 17, 1991 by Paul Keister of Pasco. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 561 (Shall a transaction tax, not exceeding 1% be levied on money and property transfers, and present state taxes be repealed?)—Filed on January 22, 1991 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 562 (Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge a tax base?)—Filed on January 29, 1991 by Don E. Jewett of Langley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 563 (Shall elected and appointed state legislative and executive branch officials be limited to serving a cumulative maximum of twelve years?)—Filed on February 11, 1991 by Eric McAtee of Tacoma. Sponsor failed to submit signatures for checking.

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INITIATIVE MEASURE NO. 564 (Shall Washington residents elected to Congress have a lifetime limit of not more than twelve years of elected congressional service?)—Filed on February 11, 1991 by Craig A. McMillan of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 565 (Shall the state be required to include chiropractic services in the medical service assistance program available under the medical program?)—Filed on January 17, 1991 by Roxanne Lea Duharry of Everett. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 566 (Shall campaign spending, for offices subject to the state public disclosure act, be limited to the office term's total salary?)—Filed on February 8, 1991 by Edward M. Duke of Gig Harbor. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 567 (Shall it be unlawful after life is created by conception to intentionally hasten or cause death except for capital punishment?)—Filed on February 25, 1991 by Mary L. Jarrard of Everett. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 568 (Shall pit bull dog owners be required to register, confine, and insure the dogs and remove newborns from the state?)—Filed on February 25, 1991 by Laurence C. Mathews of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 569 (Shall Utilities and Transportation regulate some medical service rates, some political contributions be prohibited, and motorcycle helmet requirements be changed?)—Filed on February 28, 1991 by Jack Zektzer of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 570 (Shall the state dangerous dog act be amended to require hearings and restrict the regulatory authority of cities and counties?)—Filed on March 4, 1991 by Cherie R. Graves of Newport. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 571 (Shall contributions to state legislative and executive campaigns be limited; and may candidates agreeing to expenditure limitations receive matching funds?)—Filed on May 15, 1991 by Calvin B. Anderson of Seattle. The initiative was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 572 (Shall cannabis (marijuana) be legalized for adults; amnesty provided for prior cannabis convictions, tax imposed, and provide liquor board regulation?)—Filed on May 15, 1991 by Kevin Clark Keyes of Bellingham. Sponsor failed to submit signatures for checking.

*INITIATIVE MEASURE NO. 573 (Shall candidates for certain offices, who have already served for specified time periods in those offices, be denied ballot access?)—Filed on January 3, 1992 by Sherry Bockwinkel of Tacoma. 206,685 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 3, 1992 general election. It was approved by the following vote: For—1,119,985 Against—1,018,260.

INITIATIVE MEASURE NO. 574 (Shall a transaction tax, not exceeding 1%, be charged on property and money transfers; and state authorized taxes be repealed?)—Filed on January 3, 1992 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 575 (Shall sales and distribution of condoms be prohibited on public school property; and schools teach and encourage abstinence and

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- monogamy?)**—Filed on January 9, 1992 by J. M. O'Sullivan of Sultan. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 576 (Shall cannabis (marijuana) be taxed and legalized for adults; amnesty provided for prior cannabis convictions and cannabis testing be prohibited?)**—Filed on January 13, 1992 by Kevin Clark Keyes of Bellingham. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 577 (Shall horse racing statutes be amended including polygraph tests for jockeys, owners, trainers, ticket sellers, and prohibiting some betting combinations?)**—Filed on January 7, 1992 by Randy Baker of Tacoma. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 578 (Shall the death penalty and the requirement that all female felons be committed to the women's correctional institution be abolished?)**—Filed on January 7, 1992 by Randy Baker of Tacoma. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 579 (Shall pit bull dog owners be required to register, confine, and insure those dogs and remove newhorns from the state?)**—Filed on January 21, 1992 by L. C. Mathews of Yakima. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 580 (Shall defendants in many court proceedings commenced by government have a right to jury trial with substantially expanded jury authority?)**—Filed on January 21, 1992 by Kevin Clark Keyes of Bellingham. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 581 (Shall cannabis be available by prescriptions and the Agriculture director regulate hemp growers and distribution of industrial grade cannabis?)**—Filed on January 22, 1992 by Bryan Estes of Bellingham. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 582 (Shall political campaign contributions be limited and state and legislative candidates agreeing to campaign spending limits be permitted larger contributions?)**—Filed on January 23, 1992 by Margaret Colony of Bellevue. The sponsor submitted 151,601 signatures for checking and they were found insufficient to qualify the measure for the 1992 general election ballot.
- INITIATIVE MEASURE NO. 583 (Shall the Legislature be directed to vote on whether Washington should request Congress to propose a balanced budget constitutional amendment?)**—Filed on February 4, 1992 by Dianne E. Campbell of Woodinville. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 584 (Shall the requirements to use motorcycle helmets and seatbelts be repealed and hunters not be required to wear orange clothing?)**—Filed on February 27 by Patrick M. Crawford of Littlerock. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 585 (Shall the 1990 and 1991 Growth Management Acts be repealed; and limits imposed on state and local government land controls?)**—Filed on February 27, 1992 by Patrick M. Crawford of Littlerock. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 586 (Shall persons charged with drug crimes have their property seized and receive 50 year sentences; and needle exchange programs prohibited?)**—

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Filed on February 27, 1992 by Patrick M. Crawford of Littlerock. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 587 (Relating to growth management.)—Filed on March 17, 1992 by J. M. O'Sullivan of Sultan. The initiative was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 588 (Shall the 1990 and 1991 State Growth Management Acts, which provide requirements for local comprehensive land use planning, be repealed?)—Filed on March 18, 1992 by J. M. O'Sullivan of Sultan. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 589 (Shall spending limits, adjusted by inflation and population; revision of property values for tax purposes; and other changes be approved?)—Filed on March 9, 1992 by Barbara M. Lindsay of Redmond. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 590 (Shall criminals who are convicted of "most serious offenses" on three occasions be sentenced to life in prison without parole?)—Filed on March 24, 1992 by John Carlson of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 591 (Shall public officials and employees be civilly and criminally liable for loss of state trust land or trust asset values?)—Filed on May 15, 1992 by Patrick A. Parrish of Trout Lake. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 592 (Shall the State Auditor be required to audit all state trust lands and assets to determine if losses have occurred?)—Filed on May 15, 1992 by Patrick A. Parrish of Trout Lake. Sponsor failed to submit signatures for checking.

***INITIATIVE MEASURE NO. 593 (Shall criminals who are convicted of "most serious offenses" on three occasions be sentenced to life in prison without parole?)**—Filed on January 6, 1993 by Ida Ballasiotes of Mercer Island. 290,613 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 2, 1993 general election. It was approved by the following vote: For—1,135,521 Against—364,567.

INITIATIVE MEASURE NO. 594 (Shall all present state and local taxes be repealed, and replaced with a flat-rate tax system on transfers of property?)—Filed on January 6, 1993 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 595 (Shall the sale and use of cannabis (marijuana) be permitted and regulated in places where minors do not have access?)—Filed on January 5, 1993 by Wayne H. Nelson of Renton. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 596 (Shall State law be amended to permit persons to burn wood in homes at any time, regardless of air conditions?)—Filed on January 19, 1993 by Ralph E. Miller of Lynnwood. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 597 (Shall a commission approved by the proponent be created to define goals and lawful conduct for elected and appointed officials?)—Filed on January 25, 1993 by Forrest E. Owens of Burley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 598 (Shall alcohol sale be regulated to prohibit "happy hours" and limit the amount of alcohol served in any one drink?)—Filed on February 19, 1993 by Brian Venable of Tacoma. Sponsor failed to submit signatures for checking.

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- INITIATIVE MEASURE NO. 599 (Shall the state rate, review and compensate public and private education providers selected solely by the parents of school-age children?)—Filed on February 19, 1993 by Craig L. Williams of Richland. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 600 (Shall candidates for state and federal office be limited to two consecutive terms, unless they win more terms by write-in?)—Filed on February 19, 1993 by Craig L. Williams of Richland. Sponsor failed to submit signatures for checking.
- *INITIATIVE MEASURE NO. 601 (Shall state expenditures be limited by inflation rates and population growth, and taxes exceeding the limit be subject to referendum?)—Filed on March 5, 1993 by Gregory J. Seifert of Vancouver. 249,707 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and submitted to the voters at the November 2, 1993 general election. It was approved by the following vote: For—774,342 Against—737,735.
- INITIATIVE MEASURE NO. 602 (Shall state revenue collections and state expenditures be limited by a factor based on personal income, and certain revenue measures repealed?)—Filed on March 3, 1993 by Margaret Johnson of Olympia. 440,160 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 2, 1993 general election. It was defeated by the following vote: For—673,378 Against—836,047.
- INITIATIVE MEASURE NO. 603 (Shall persons under age 18 be required to maintain at least a 3.0 grade average to keep their driver's licenses?)—Filed on February 26, 1993 by John C. Hawthorne of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 604 (Shall attorneys be required to submit fee disputes to citizen settlement, and be restrained from running for certain public offices?)—Filed on March 10, 1993 by Patrick M. Crawford of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 605 (Shall all present state and local taxes be repealed, and replaced with a flat rate tax on transfers of property?)—Filed on January 10, 1994 by Clarence P. Keating of Seattle. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 606 (Shall laws on legislative lobbying, pensions, party caucuses, and campaigning be revised, and the legislature be subject to the public records and open meetings acts?)—Filed on January 10, 1994 by Shawn Newman of Olympia. The sponsor failed to submit signatures for checking.
- *INITIATIVE MEASURE NO. 607 (Shall persons other than dentists be licensed to make and sell dentures to the public, as regulated by a new state board of denture technology?)—Filed on January 10, 1994 by Vallan Charron of Puyallup. 241,228 signatures were submitted and found sufficient. The measure was subsequently certified and submitted to the voters at the November 8, 1994 general election. It was approved by the following vote: For—955,960 Against—703,619.
- INITIATIVE MEASURE NO. 608 (Shall government be prohibited from according rights or protections based on sexual orientation, and schools from presenting homosexuality as acceptable?)—Filed on January 10, 1994 by Gail L. Yenne of Tacoma. The sponsor failed to submit signatures for checking.

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INITIATIVE MEASURE NO. 609 (Shall campaign contributions be permitted only from voters, and new restrictions be placed on the use of campaign funds, and shall Initiative 134 be repealed?)—Filed on January 12, 1994 by Robert E. Adams of Bellevue. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 610 (Shall rights based on homosexuality, homosexuals' custody of their own or other children; and governmental approval of homosexuality be prohibited?)—Filed on January 10, 1994 by Samuel P. Woodard, Sr. of Ariel. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 611 (Shall informed consent for abortions be defined and required, a 24 hour waiting period imposed, and related criminal penalties created?)—Filed on January 13, 1994 by Matthew W. Aamot of Bellingham. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 612 (Relating to making Washington a multi-cultural state.)—Filed on January 10, 1994 by Geoffrey Noah Vasil of Lacey. The Attorney General declined to prepare a ballot title.

INITIATIVE MEASURE NO. 613 (Shall persons other than minors be permitted to grow, sell, and use cannabis (marijuana) as licensed, taxed, and regulated by a new cannabis control board?)—Filed on January 13, 1994 by Warren J. Nolze of Seattle. The sponsor refiled the measure as Initiative Measure No. 622.

INITIATIVE MEASURE NO. 614 (Shall one million dollars in state funds be set aside to pay for embryo transfers as an alternative to abortion?)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 615 (Shall lobbyists be required to obtain one million dollar licenses, and shall employees be entitled to leave for legislative testimony?)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 616 (Shall all persons be required to take a firearm safety course before purchasing firearms, or be subject to a penalty?)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 617 (Shall fines be assessed on a sliding scale, based on the convicted person's income and the seriousness of the offense?)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 618 (Relating to school levies.)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The Attorney General declined to prepare a ballot title.

INITIATIVE MEASURE NO. 619 (Relating to amendments to legislative bills.)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The Attorney General declined to prepare a ballot title.

INITIATIVE MEASURE NO. 620 (Shall vehicles no longer be required to have license tabs, and the gas tax be increased to replace lost revenue?)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 621 (Shall all employees be entitled to increased hourly premium wages for work performed at night, or on Saturday or Sunday?)—Filed on January 26,

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1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 622 (Shall persons other than minors be permitted to grow and sell cannabis (marijuana) as regulated by a cannabis control board?)—Filed on February 11, 1994 by Warren J. Nolze of Seattle. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 623 (Shall new limitations and conditions be placed on public assistance to families, and certain grandparents be obligated for child support?)—Filed on February 8, 1994 by David R. Mortenson of Kent. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 624 (Shall the business activity tax be reduced for certain businesses, and shall some businesses be exempted from paying this tax?)—Filed on February 18, 1994 by Corrie Bender of Kent. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 625 (Shall persons convicted of certain offenses be required to serve full sentences in total confinement, without possibility of early release?)—Filed on February 11, 1994 by Bruce Wilson McKay of Tacoma. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 626 (Shall regulation of private property be restricted, and certain reductions in value be newly defined as takings which require compensation?)—Filed on February 25, 1994 by Daniel Wayne Wood of Hoquiam. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 627 (Shall the licensing department implement a motorcycle awareness program, paid for by twenty percent of all existing motorcycle license fees?)—Filed on March 3, 1994 by Gary W. Lawson of Lacey. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 628 (Shall persons under eighteen be restricted in obtaining driver's licenses or employment, unless they keep a certain grade point average?)—Filed on February 23, 1994 by John C. Hawthorne of Olympia. This measure refiled as Initiative Measure No. 636.

INITIATIVE MEASURE NO. 629 (Relating to public schools & youth violence prevention.)—Filed March 4, 1994 by Thomas G. Erickson of Seattle. This measure refiled as Initiative Measure No. 635.

INITIATIVE MEASURE NO. 630 (Shall public officers and certain businesses be prohibited from harassing or discriminating against targets of the national security agency?)—Filed on March 15, 1994 by Elizabeth Patrick of Spokane. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 631 (Shall the use of state, county, city, or town funds to fund the national security agency be prohibited?)—Filed on March 15, 1994 by Elizabeth Patrick of Spokane. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 632 (Shall laws concerning possession of firearms, juvenile court jurisdiction, and sentences for drive-by shootings and certain other crimes be revised?)—Filed on March 30, 1994 by James L. King, Jr. of Tacoma. The sponsor failed to submit signatures for checking.

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INITIATIVE MEASURE NO. 633 (Shall juvenile justice and child labor laws be revised, and juvenile programs funded with revenue from specified fees and taxes?)—Filed on March 30, 1994 by James L. King, Jr. of Tacoma. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 634 (Shall state agency commercial activity, rulemaking, staffing, contracting, and lobbying be limited, and \$100 million appropriated for prisons and safety?)—Filed on March 30, 1994 by Linda A. Smith of Vancouver. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 635 (Shall the establishment of public charter schools to serve at-risk youth be authorized, and \$250 million appropriated for this program?)—Filed on March 30, 1994 by Thomas G. Erickson of Seattle. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 636 (Shall minors be limited to a conditional drivers' license, and shall minors with good grades be permitted to work more hours?)—Filed on April 6, 1994 by John C. Hawthorne of Olympia. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 637 (Shall state laws on property ownership, property tax collection, and vehicle licensing be revised and vehicle excise taxes be removed?)—Filed on May 12, 1994 by David Nibarger of Spokane. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 638 (Shall a transaction tax, not exceeding 1%, be charged on property and money transfers; and state authorized taxes be repealed?)—Filed on January 9, 1995 by Clarence P. Keating of Seattle.

INITIATIVE MEASURE NO. 639 (Shall the state be required to establish state-operated facilities for care of all children who are abandoned, abused, or neglected?)—Filed on January 9, 1995 by Jim D. Whittenburg of Olympia.

INITIATIVE MEASURE NO. 640 (Shall state fishing regulations ensure certain survival rates for nontargeted catch, and commercial and recreational fisheries be prioritized?)—Filed on January 9, 1995 by Frank Haw of Olympia.

INITIATIVE MEASURE NO. 641 (Relating to Philadelphia II.)—Filed on January 9, 1995 by Robert B. Adkins of Tacoma.

INITIATIVE MEASURE NO. 642 (Shall school district voters be authorized to adopt deregulated systems of education delivery, and state education appropriations fixed by formula?)—Filed on January 9, 1995 by James & Fawn Spady of Seattle.

INITIATIVE MEASURE NO. 643 (Relating to property taxes.)—Filed on January 9, 1995 by Donald Carter of Olympia. This measure refiled as Initiative Measure No. 650.

INITIATIVE MEASURE NO. 644 (Shall government be prohibited from placing children for adoption or foster care with any homosexuals or with cohabiting unmarried partners?)—Filed on January 9, 1995 by Samuel P. Woodard, Sr. of Ariel.

INITIATIVE MEASURE NO. 645 (Shall most laws regulating firearms be repealed, including laws relating to concealed pistols, machine guns, and short-barreled rifles or shotguns?)—Filed on January 9, 1995 by Samuel P. Woodard, Sr. of Ariel.

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- INITIATIVE MEASURE NO. 646 (Shall the state property tax levy for schools be reduced in stages over three years, and then eliminated?)—Filed on January 20, 1995 by Jim D. Whittenburg of Seattle.
- INITIATIVE MEASURE NO. 647 (Shall the members of the state utilities and transportation commission be elected, and their regulatory responsibilities extended to new fields?)—Filed on January 11, 1995 by Carl Spert of Spokane.
- INITIATIVE MEASURE NO. 648 (Shall laws be revised concerning state citizenship, property ownership, travel rights, competency certificates, taxation, licenses, public officers, courts, and legislation?)—Filed on January 23, 1995 by David L. Nibarger of Spokane.
- INITIATIVE MEASURE NO. 649 (Shall most of the 1993 Health Care Act be repealed, and replaced with insurance modifications and health care savings accounts?)—Filed on January 19, 1995 by Jerome A. Blome of Kent.
- INITIATIVE MEASURE NO. 650 (Shall taxes on property used as the owner's principal residence be limited, and property assessment be based on "adjusted value"?)—Filed on February 10, 1995 by Donald Carter of Olympia.
- INITIATIVE MEASURE NO. 651 (Shall the state enter into compacts with Indian tribes providing for unrestricted gambling on Indian lands within the state's borders?)—Filed on February 28, 1995 by John Kieffer of Fruitland.
- INITIATIVE MEASURE NO. 652 (Shall juveniles aged thirteen or more charged with crime while in the possession of a weapon be tried as adults?)—Filed on March 10, 1995 by Richard E. Woodrow of Lynnwood.
- INITIATIVE MEASURE NO. 653 (Shall public school, health care and assistance officials report "apparent illegal aliens" to INS and deny them education and services?)—Filed on April 7, 1995 by Karen E. Small of LaConner.
- INITIATIVE MEASURE NO. 654 (Shall government be prohibited from placing children for adoption or foster care with any "person who practices right-wing fundamentalist Christianity"?)—Filed on June 1, 1995 by William S. Humphrey of Seattle.
- *INITIATIVE MEASURE NO. 655 (Shall it be a gross misdemeanor to take, hunt, or attract black bears with bait, or to hunt bears, cougars, bobcat or lynx with dogs?)—Filed on January 5, 1996 by Joseph F. Scott of Seattle. 228,148 signatures were submitted and found sufficient. The measure was subsequently certified and submitted to the voters at the November 5, 1996 general election. It was approved by the following vote: For—1,387,577 Against—815,385.
- INITIATIVE MEASURE NO. 656 (Shall pit bull dogs be defined as "potentially dangerous," and subjected to strict requirements for registration, secure enclosures, leashes, collars, warning signs, bonds, and vaccinations?)—Filed on January 5, 1996 by Laurence C. Mathews of Yakima. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 657 (Shall taxes on property used as the owner's principal residence be limited, state taxes on such properties be eliminated, and assessment based on "adjusted value"?)—Filed on January 5, 1996 by Donald W. Carter of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 658 (Shall an office of state inspector general be created to investigate complaints of malfeasance or abuse by government agencies and business

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licensees?)—Filed on January 5, 1996 by Mx. T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 659 (Shall the use of gill nets and certain other net fishing gear be prohibited, and release of accidentally caught out-of-season fish be required?)—Filed on January 17, 1996 by Robert I. Keating of Freeland. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 660 (Shall the state and its counties, cities and towns be prohibited from appropriating any funds to support the national security agency of the federal government?)—Filed on January 8, 1996 by Elizabeth Patrick of Spokane. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 661 (Shall the state of Washington restrict the activities of the national security agency, and certain officers be barred from engaging in national security agency activities?)—Filed on January 8, 1996 by Elizabeth Patrick. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 662 (Shall an office of state inspector general be created, with certain administrative and investigative powers, headed by a director appointed for a nonrenewable five-year term?)—Filed on February 12, 1996 by Maximus T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 663 (Shall the industrial, medicinal, and personal use of hemp (cannabis or marijuana) be permitted under some conditions, taxed, and regulated by the liquor control board?)—Filed on January 30, 1996 by Thomas A. Rohan of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 664 (Shall the state repeal all existing state taxes, and levy instead a 1% tax on all transfers of property and a temporary 1% property tax?)—Filed on February 16, 1996 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 665 (Shall government agencies be required to make disclosures about laws, to respond to requests for clarification, and to prove constitutionality if the law is questioned?)—Filed on February 12, 1996 by Peter M. Brennan of Vancouver. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 666 (Relating to fishing)—Filed on February 22, 1996 by Robert I. Keating of Freeland. Measure was refiled as Initiative Measure No. 668.

INITIATIVE MEASURE NO. 667 (Shall property tax values be frozen at their 1995 levels, plus a maximum two percent annual inflation, and annual tax levy increases be gradually reduced?)—Filed on February 20, 1996 by Steven R. Hargrove of Poulsho. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 668 (Shall the use of gill nets be prohibited, and release be required of out-of-season fish or juvenile chinook salmon under 22 inches long?)—Filed on February 27, 1996 by Robert I. Keating of Freeland. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 669 (Shall governments be forbidden to grant any protection or recognize rights based on sexual orientation, and shall schools be prohibited from presenting homosexuality as acceptable?)—Filed on February 28, 1996 by Mark Roshak of Bothell. Sponsor failed to submit signatures for checking.

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INITIATIVE MEASURE NO. 670 (Shall the secretary of state be instructed to place a ballot notice concerning congressional and legislative candidates who have not supported Congressional term limits?)—Filed on April 1, 1996 by Charles G. Moore of Redmond. 232,522 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 5, 1996 general election. It was rejected by the following vote: **For—937,873 Against—1,146,865.**

INITIATIVE MEASURE NO. 671 (Shall amended tribal/state agreements be authorized permitting limited electronic gaming on Indian lands for tribal government purposes, with joint regulation and specified use of revenues?)—Filed on April 11, 1996 by Doreen M. Maloney of Mount Vernon. 290,996 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 5, 1996 general election. It was rejected by the following vote: **For—934,344 Against—1,222,492.**

INITIATIVE MEASURE NO. 672 (Shall grandparents be entitled to petition for visitation rights with their grandchildren, in dissolution, separation and custody proceedings?)—Filed on April 22, 1996 by Donna J. Honeycutt of Kennewick. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 673 (Shall health insurance plans be regulated as to provision of services by designated health care providers, managed care provision, and disclosure of certain plan information?)—Filed on January 8, 1997 by Stephen E. Wehrly of Vashon. 241,508 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 4, 1997 general election. It was rejected by the following vote: **For—521,161 Against—1,087,903.**

INITIATIVE MEASURE NO. 674 (Shall state spending on schools, colleges, and libraries be exempt from the state expenditure cap and revenue increase restrictions established in Initiative 601?)—Filed on January 14, 1997 by Jasper MacSarrow of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 675 (Shall property values for tax purposes be rehesed to their 1992 levels, and new llimitations be imposed on increases in property value and taxes imposed?)—Filed on January 28, 1997 by Donald Carter of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 676 (Shall the transfer of handguns without trigger-locking devices be prohibited and persons possessing or acquiring a handgun be required to obtain a handgun safety license?)—Filed on February 3, 1997 by Thomas C. Wales of Seattle. 239,805 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 4, 1997 general election. It was rejected by the following vote: **For—496,690 Against—1,194,004.**

INITIATIVE MEASURE NO. 677 (Sball discrimination based on sexual orientation be prohibited in employment, employment agency, and union membership practices, without requiring employee partner benefits or preferential treatment?)—Filed on February 11, 1997 by Suzanne J. Thomas of Seattle. 229,793 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 4, 1997 general election. It was rejected by the following vote: **For—666,073 Against—985,169.**

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- INITIATIVE MEASURE NO. 678 (Shall dental hygienists who obtain a special license endorsement be permitted to perform designated dental hygiene services without the supervision of a licensed dentist?)—Filed on February 10, 1997 by Anita R. Munson of Bellingham. 272,764 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 4, 1997 general election. It was rejected by the following vote: **For—787,607 Against—883,488.**
- INITIATIVE MEASURE NO. 679 (Relating to property taxes)—Filed on February 3, 1997 by Winton G. Cannon of Bellevue. Measure was refiled as Initiative No. 681.
- INITIATIVE MEASURE NO. 680 (Relating to vehicle excise taxes)—Filed on February 3, 1997 by Winton G. Cannon of Bellevue. Measure was refiled as Initiative No. 682.
- INITIATIVE MEASURE NO. 681 (Shall property taxes be assessed and valued as of the 1989 assessment, property be assessed at 80 percent of value, and levy requirements be changed?)—Filed on March 5, 1997 by Winton G. Cannon of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 682 (Shall current motor vehicle fees and vehicle excise taxes be repealed, and replaced with a new license and fee system based on four defined categories?)—Filed on March 5, 1997 by Winton G. Cannon of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 683 (Shall violent drug-related and drug possession penalties be revised, medical use of Schedule I controlled substances be permitted, and a drug prevention commission be established?)—Filed on March 5, 1997 by Robert K. Killian of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 684 (Shall the retail sales tax be increased by one-half of one percent, with the increased revenue earmarked for fish and wildlife enhancement and education?)—Filed on March 19, 1997 by Stanley R. Reed of Oak Harbor. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 685 (Shall penalties for drug possession and drug-related violent crime be revised, medical use of Schedule I controlled substances be permitted, and a drug prevention commission established?)—Filed on April 4, 1997 by Robert K. Killian of Seattle. 245,193 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 4, 1997 general election. It was rejected by the following vote: **For—659,244 Against—1,006,964.**
- INITIATIVE MEASURE NO. 686 (Shall courts be barred from ordering any divorced parents to pay support for the post-secondary education of their dependent children over eighteen years of age?)—Filed on January 5, 1998 by Robert J. Hoyden of Seattle. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 687 (Shall property values for tax purposes be re-based to their 1992 levels, and new limitations be imposed on increases in property value and taxes imposed?)—Filed on January 13, 1998 by Donald W. Carter of Olympia. No signature petitions were presented for checking.
- *INITIATIVE MEASURE NO. 688 (Shall the state minimum wage be increased from \$4.90 to \$5.70 in 1999 and to \$6.50 in 2000, and afterwards be annually adjusted for inflation?)—Filed on January 13, 1998 by Rick S. Bender of Bothell. 288,357 signatures

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were submitted and found sufficient. The measure was submitted to the voters at the November 3, 1998 general election and approved by the following vote: For—1,259,470 Against—644,764.

INITIATIVE MEASURE NO. 689 (Shall property taxes be assessed and valued as of the 1989 assessment, property be assessed at 80 percent of value, and levy requirements be changed?)—Filed on January 13, 1998 by Winton G. Cannon of Bellevue. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 690 (Shall current motor vehicle fees and vehicle excise taxes be repealed, and replaced with a new license and fee system based on five defined categories?)—Filed on January 13, 1998 by Winton G. Cannon of Bellevue. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 691 (Shall motor vehicle excise taxes be cut in half for 1999, repealed beginning 2000, and the legislature and governor directed to address the revenue impact?)—Filed on February 26, 1998 by Timothy Eyman of Seattle. No signature petitions were presented for checking.

***INITIATIVE MEASURE NO. 692 (Shall the medical use of marijuana for certain terminal or debilitating conditions be permitted, and physicians authorized to advise patients about medical use of marijuana?)**—Filed on February 26, 1998 by Robert K. Killian of Seattle. 260,335 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 3, 1998 general election and approved by the following vote: For—1,121,851 Against—780,631.

INITIATIVE MEASURE NO. 693 (Shall the state government and cities, towns, and counties be prohibited from using any money to fund the national security agency of the federal government?)—Filed on February 24, 1998 by Elizabeth Patrick of Spokane. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 694 (Shall the termination of a fetus' life during the process of birth be a felony crime except when necessary to prevent the pregnant woman's death?)—Filed on March 31, 1998 by Robert V. Bethel of Poulsbo. 216,716 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 3, 1998 general election and rejected by the following vote: For—802,376 Against—1,070,360.

INITIATIVES TO THE LEGISLATURE

- *INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)**—Filed October 25, 1928. The 1929 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 4, 1930 state general election. Measure was approved into law by the following vote: **For—152,487 Against—130,901**. The act is now identified as Chapter 1, Laws of 1931.
- INITIATIVE TO THE LEGISLATURE NO. 1A (Brewers' Hotel Bill)**—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For—48,354 Against—263,390**.
- *INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)**—Filed August 21, 1934. Passed by the Legislature February 21, 1935. Now identified as Chapter 26, Laws of 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (Tax Free Homes)**—Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (Unemployment Insurance)**—Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (Prohibiting Fishing with Purse Seines)**—Filed November 20, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE TO THE LEGISLATURE NO. 6 (Legal Holiday on Saturday)**—Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (Pension for Blind)**—Filed October 7, 1938. Referred as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (Pension for Blind)**—Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (Relating to Intoxicating Liquors)**—Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (Unicameral Legislature)**—Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (Reapportionment of State Legislative Districts)**—Filed July 8, 1942. No petition filed.
- *INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)**—Filed August 29, 1942. Passed by the Legislature February 17, 1943. Now identified as Chapter 15, Laws of 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (Restricting Sales of Beer and Wine to State Liquor Stores)**—This measure is the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed January 3, 1947. The 1947 Legislature failed to take action as provided by the state constitution the measure then was submitted to the voters for final decision at the November 2, 1948 state general election. Measure was defeated by the following vote: **For—208,337 Against—602,141**.

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- INITIATIVE TO THE LEGISLATURE NO. 14 (Reapportionment of State Legislative Districts)—Filed September 19, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 15 (Establishing a Civil Service System for the Employees of the State of Washington)—Filed October 16, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 16 (Providing for the Election of State Game Commissioners)—Filed September 8, 1948. No signature petitions presented.
- INITIATIVE TO THE LEGISLATURE NO. 17 (Regulating Legislative Committee Hearings)—Filed October 16, 1948. No signature petitions filed.
- INITIATIVE TO THE LEGISLATURE NO. 18 (Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.)—This measure is the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 19 (Repealing the Subversive Activities Act)—Filed September 19, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 20 (Legislative and Congressional Districting)—Filed April 16, 1954. Sponsors dissatisfied with ballot title and, as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 21 (Professional Practice Boards)—Filed April 20, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 22 (Legislative and Congressional Districting)—Filed May 17, 1954. No signature petitions presented for checking.
- *INITIATIVE TO THE LEGISLATURE NO. 23 (Civil Service for Sheriff's Employees)—Measure filed August 7, 1956. Signature petitions filed December 5, 1956, and found sufficient. The 1957 Legislature failed to take action, and as provided by the state constitution the measure was then submitted to the voters for final decision at the November 4, 1958 state general election. Measure was approved by the following vote: For—539,640 Against—289,575. Act is now identified as Chapter 1, Laws of 1959.
- INITIATIVE TO THE LEGISLATURE NO. 24 (Limiting Dams in Fish Sanctuaries)—Measure filed September 18, 1956. Signature petitions containing approximately 85,600 signatures filed January 3, 1957. However, attorney general ruled that provisions of the 30th amendment to the state constitution approved by the voters at the 1956 state general election applied at the time signatures were presented. This amendment provided that the number of signatures necessary to validate an initiative must be equal to at least 8% of the votes cast on the position of governor at the last preceding gubernatorial election. This computation set the necessary number as 90,319 valid signatures. Sponsors appealed to the State Supreme Court which held that the attorney general was correct. For this reason the Secretary of State did not check signature petitions and the initiative was not certified to the 1957 Legislature.
- *INITIATIVE TO THE LEGISLATURE NO. 25 (Dam Construction and Water Diversion)—Measure filed April 3, 1958. Signature petitions filed January 2, 1959 and upon completion of canvass found sufficient. The 1959 Legislature failed to take final action and as provided by the state constitution the measure was submitted to the voters for final decision at the November 8, 1960 state general election. Measure was approved by the

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- following vote: **For—526,130 Against—483,449.** Act is now identified as Chapter 4, Laws of 1961.
- INITIATIVE TO THE LEGISLATURE NO. 26 (Abolishing Capital Punishment)—**Measure filed March 10, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 27 (Restricting Federal Taxation and Activities)—**Measure filed June 27, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 28 (Civil Service for County Employees)—**Measure filed July 1, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 29 (Repealing Certain 1961 Tax Laws)—**Filed March 27, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE TO THE LEGISLATURE NO. 30 (Reorganization of State Fisheries Department)—**Filed May 28, 1962 by the Washington State Sportsmen's Council. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE TO THE LEGISLATURE NO. 31 (Laws Regulating Courts—Judges—Attorneys)—**Filed May 17, 1966 by Walter H. Philipp of Seattle. This was, in effect, a refile of Initiative Measure No. 232 and again no signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 32 (Local Processing of State Timber)—**Filed May 31, 1966 by the Committee for Full Employment in Washington. Signatures (136,181) filed December 30, 1966 and found sufficient. The 1967 Legislature failed to take final action and, as provided by the state constitution, the measure was submitted to the voters for final decision at the November 5, 1968 state general election. Measure was rejected by the following vote: **For—450,559 Against—716,291.**
- INITIATIVE TO THE LEGISLATURE NO. 33 (No caption written)—**Filed July 1, 1966 by George A. Guilmet of Edmonds. This was a proposed memorial to Congress concerning "the ending of the war now being waged by the United States Government and its armed forces in Vietnam and Southeast Asia." However, the office of the attorney general reversed its position in that a similar measure was filed in 1952 (Initiative to the Legislature No. 18) and declined to issue a ballot title on the grounds that the subject matter was not a proper subject to fall within the scope of the initiative procedure. As a consequence, the secretary of state returned the measure and filing fee to the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 34 ("Personal Effects" Tax Exemption)—**Filed March 20, 1968 by the Committee Against Unfair Personal Property Tax. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 35 (State Citizens—War and Taxes)—**Filed April 28, 1970 by the Seattle Liberation Front—William Edward Kononen, Initiative Circulation Chairman. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 36 (Licensing Dog Racing—Parimutuel Betting)—**Filed July 3, 1970 by Donald Nicholson of Kirkland. Because of technical errors, measure was refiled August 18, 1970 as Initiative to the Legislature No. 39.

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INITIATIVE TO THE LEGISLATURE NO. 37. (Transportation Revenues—Use and Distribution)—Filed July 9, 1970 by William L. McCord and William L. Harrington, Co-sponsors. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 38 (Certain Cities—Greyhound Racing Franchises)—Filed July 31, 1970 by Herbert B. Shannon of Medina. Signatures (121,077) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.

INITIATIVE TO THE LEGISLATURE NO. 39 (Licensing Dog Racing—Parimutuel Betting)—Filed August 18, 1970 by Donald Nicholson and Dr. Lawrence Pirkle, Co-sponsors. Signatures (124,394) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.

INITIATIVE TO THE LEGISLATURE NO. 40 (Litter Control Act)—Filed August 20, 1970 by the Washington Committee to Stop Litter—Irving B. Stimpson, Secretary. Signatures (141,228) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative Measure No. 40 but did pass an alternative measure No. 40B now identified as Chapter 307, Laws of 1971 1st Extraordinary Session, which contained an emergency clause and became effective law upon approval of the Governor on May 21, 1971. However, as required by the state constitution, both measures were submitted to the voters for final decision at the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

For Either -----	Against Both -----	Prefer No. 40 -----	Prefer No. 40B -----
788,151	418,764	194,128	798,931

As a consequence, Alternative Measure No. 40B prevailed which sustained Chapter 307, Laws of 1971 1st Extraordinary Session, as law.

INITIATIVE TO THE LEGISLATURE NO. 41 (Public Schools—Certain Courses Curtailed)—Filed September 4, 1970 by the Schools Belong to You Committee of the State of Washington—Dale R. Dorman, Chairman. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 42—Filed September 21, 1970 by the Washington Environmental Council. Re-filed September 25, 1970 as Initiative to the Legislature No. 43.

INITIATIVE TO THE LEGISLATURE NO. 43 (Regulating Shoreline Use and Development)—Filed September 25, 1970 by the Washington Environmental Council. Signatures (160,421) filed December 31, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The legislature took no action insofar as Initiative No. 43 but did pass an alternative measure No. 43B now identified as Chapter 286, Laws of 1971 1st Extraordinary Session, which became effective law as of June 1, 1971. However, as required by the state constitution both measures were submitted to the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

For Either -----	Against Both -----	Prefer No. 40 -----	Prefer No. 40B -----
603,167	551,132	285,721	611,748

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As a consequence, Alternative Measure No. 43B prevailed which sustained Chapter 286, Laws of 1971 1st Extraordinary Session, as law.

***INITIATIVE TO THE LEGISLATURE NO. 44 (Statutory Tax Limitation—20 Mills)**—Filed October 15, 1970 by the 40-Mill Tax Limit Committee—Lester P. Jenkins, Secretary. Signatures (229,785) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action and, as provided by the state constitution, the initiative was submitted to the voters for final decision at the November 7, 1972 state general election and approved by the following vote: **For—930,275 Against—301,238**. Act is now identified as Chapter 2, Laws of 1973.

INITIATIVE TO THE LEGISLATURE NO. 45 (Restoration of Law Prohibiting Hitchhiking)—Filed July 10, 1972 by Mildred C. Trantow, President, Washington State Chapter of Pro America. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 46 (Restricting School District Excess Levies)—Filed July 25, 1972 by Representative Paul Barden and Representative Vaughn Hubbard, Co-sponsors. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 47 (Shall public schools be prohibited from teaching either the theory of evolution or that of creation unless both are taught?)—Filed April 3, 1974 by Ward E. Ellsworth. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 48 (Shall state financial support for public schools be greatly increased for 1975-77 and school district excess levies restricted after 1975?)—Filed April 9, 1974 by the Committee for State School Support. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 49 (Shall an Initiative be adopted declaring persons ineligible for election to given state offices for more than 12 consecutive years?)—Filed July 5, 1974 by Senator Peter von Reichbauer. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 50 (Shall greyhound racing, with parimutuel betting, be permitted when licensed by a state commission and subject to its control?)—Filed July 16, 1974 by Donald Nicholson. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 51 (Constitutional Amendment—Qualifications of Legislators)—Filed March 11, 1976 by Harley H. Hoppe of Mercer Island. Attorney General declined to prepare ballot title.

INITIATIVE TO THE LEGISLATURE NO. 52 (Shall commercial fishing for or taking of food fish, crab or shrimp in Hood Canal be prohibited?)—Filed April 15, 1976 by J.L. Parsons of Union, WA. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 53 (Shall special levies be limited, and additional state support provided to most districts which approve such limited levies?)—Filed April 21, 1976 by Representative Phyllis K. Erickson of Tacoma. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 54 (Shall an initiative be adopted prohibiting holding most state offices longer than twelve years and judicial offices past age 70?)—Filed April 28, 1976 by Jack Metcalf of Langley, WA. No signatures presented for checking.

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- INITIATIVE TO THE LEGISLATURE NO. 55 (Shall persons convicted of certain felonies be imprisoned for a mandatory period of years?)—Filed May 7, 1976 by Senator Kent Pullen of Kent, WA. Refined as Initiative to the Legislature No. 56.
- INITIATIVE TO THE LEGISLATURE NO. 56 (Shall persons convicted of most felonies be imprisoned for a mandatory period of years?)—Filed June 1, 1976 by Senator Kent Pullen of Kent, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 57 (Shall an initiative be adopted providing that special legislative sessions, however convened, be limited to thirty days and specific subjects?)—Filed July 14, 1976 by Senator Harry Lewis of Olympia. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 58 (Shall an initiative be adopted memorializing the legislature to impeach and remove King County Superior Court Judge Solie M. Ringold?)—Filed July 14, 1976 by Paul O. Snyder of Seattle. No petition submitted.
- *INITIATIVE TO THE LEGISLATURE NO. 59 (Shall new appropriations of public water for nonpublic agricultural irrigation be limited to farms of 2,000 acres or less?)—Filed August 16, 1976 by Ray Hill of Seattle. Signatures (191,012) submitted and found sufficient and measure was certified to the legislature January 14, 1977. The legislature referred this measure to the 1977 state general election ballot. At the November 8, 1977 general election the measure was approved by the following vote: For—457,054 Against—437,682. Act is now identified as Chapter 3, Laws of 1979.
- INITIATIVE TO THE LEGISLATURE NO. 60 (Shall an initiative be adopted authorizing a legislator to convene a grand jury to consider allegations of improper judicial conduct?)—Filed March 28, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 61 (Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?)—Filed May 1, 1978 by Mr. Steve Zemke of Seattle. Signatures (164,325) submitted and a random sample of 8,180 was taken and found sufficient and measure was certified to the Legislature on February 19, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was rejected. The preliminary figures for the vote are: For—333,062 Against—427,822.
- *INITIATIVE TO THE LEGISLATURE NO. 62 (Shall state tax revenues be limited so that increases do not exceed the growth rate of total state personal income?)—Filed June 1, 1978 by Ron Dunlap and Ellen Craswell of the Washington Tax Limitation Committee. Signatures (169,456) submitted and found sufficient and measure was certified to the legislature on January 18, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was approved. The preliminary figures for the vote are: For—509,349 Against—235,431. Act is now identified as Chapter 1, Laws of 1980.
- INITIATIVE TO THE LEGISLATURE NO. 63 (Shall participation in the state militia and law enforcement units not be denied to persons by reason of physical handicaps?)—Filed June 28, 1978 by Mr. Daniel M. Jones of Olympia. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 64—Attorney General refused to write a ballot title.

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- INITIATIVE TO THE LEGISLATURE NO. 65 (Shall state school levies be subject to the same six percent annual increase limit as other regular property tax levies?)—Filed July 12, 1978 by Mr. Ron Dunlap and Mrs. Ellen Craswell. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 66 (Shall the Consumer Protection Act be amended to provide trebled actual damages in private actions and define specific unlawful acts?)—Filed July 14, 1978 by Mr. Norman L. Bachert of Seattle. No signatures were brought in for checking.
- INITIATIVE TO THE LEGISLATURE NO. 67 (Shall an initiative be adopted providing for the recall of United States senators and representatives during legislatively called special elections?)—Filed July 27, 1978 by Mr. Victor J. Bonagofski of Centralia. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 68 (Shall property tax assessments be based on 1976 values, with certain exceptions and assessment increases limited to 2% per year?)—Filed July 21, 1978 by Mr. Bruce Gould of Vancouver. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 69 (Shall single family dwellings and farm buildings be tax exempt, and state and local taxing and borrowing powers be restricted?)—Filed July 26, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 70 (Shall the rates of state sales and business taxes temporarily be reduced 22.2% and 25% respectively during the year 1980?)—Filed August 11, 1978 by Mr. Paul Sanders of Bellevue. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 71 (Shall property taxes be based on 1976 values limited to 2% annual increases, and other property tax changes be enacted?)—Filed August 16, 1978 by Mr. J. Van Self of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 72 (Shall state school levies be limited to 6% annual increases and disabled retirees or elderly property tax exemptions be increased?)—Filed November 20, 1978 by Mr. Claude Oliver of Kennewick. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 73 (Shall Government Agencies, Employees, and Private Individuals be Prohibited from Promoting Certain Sexual Practices, and the Age of Consent Raised?)—Filed May 13, 1980 by David Estes of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 74 (Shall There be Mandatory Minimum Prison Sentences for Certain Felonies, Expanded Concealed Weapons' Permits and State Preemption of Firearms' Regulation?)—Filed July 31, 1980 by Kent Pullen of Kent, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 75 (Shall the Crime Victims Compensation Act be extended to crimes committed after July 1, 1981, and its coverage be broadened?)—Filed September 4, 1981 by Manuel E. Costa of Marysville. No signatures were presented for checking.

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- INITIATIVE TO THE LEGISLATURE NO. 76 (Shall the legislature petition Congress to amend the Constitution, or call a constitutional convention, to require a balanced federal budget?)—Filed March 12, 1982 by Harry Erwin Truitt of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 77 (Shall public employee compensation be reduced or frozen if state expenditures exceed revenues or new taxes are imposed or authorized?)—Filed March 22, 1982 by Glenn Blubaugh of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 78 (Shall the present state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?)—Filed May 27, 1982 by Robert J. Corcoran of Puyallup. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 79 (Shall employers have the option, effective July 1, 1984, of securing private insurance to meet the state requirements for workmen's compensation?)—Filed September 29, 1982 by Richard M. Farrow of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 80 (Unemployment Insurance)—Filed September 29, 1982 by Richard C. King of Seattle. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 81 (Political Contributions)—Filed September 29, 1982 by R. M. (Dick) Bond of Spokane. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 82 (Public Purchasing)—Filed September 29, 1982 by Priscilla K. Stockner of Puyallup. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 83 (Shall the 1983-85 state general operating budget be limited by statute to a maximum of 109% of the 1981-83 budget?)—Filed September 29, 1982 by Charles I. McClure of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 84 (Shall state policies regarding natural resource management, Indian rights, federal court decisions, and the expenditure of state funds be enacted?)—Filed May 13, 1983 by John B. Mitchum of Mt. Vernon. Sponsors have until December 31, 1983 to submit signatures.
- INITIATIVE TO THE LEGISLATURE NO. 85 (Shall the legislature be directed to petition Congress to call a convention to propose a balanced federal budget constitutional amendment?)—Filed June 7, 1983 by James R. Medley of Seattle. Sponsors have until December 31, 1983 to submit signatures.
- INITIATIVE TO THE LEGISLATURE NO. 86 (Shall the legislature submit a state constitutional amendment requiring taxes be approved by voters and full funding of retirement systems?)—Filed August 17, 1984 by James L. King, Jr. of Tacoma. No signatures were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 87 (Shall juvenile diversion agreements require home or nonsecurity residency or placement in secure facilities if a juvenile thereafter runs away?)—Filed October 19, 1984 by Theresa J. Green of Seattle. No signatures were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 88 (Shall candidates for legislative and state executive offices be prohibited from receiving more than specified maximum

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campaign contributions and loans?—Filed March 25, 1985 by Roger J. Douglas of Olympia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 89. (Shall the legislature submit a constitutional amendment requiring voter approval of new taxes and full funding of state retirement systems?)—Filed June 20, 1985 by James L. King, Jr. of Tacoma. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 90. (Shall sales and use taxes be increased, 1/8th of 1%, to fund comprehensive fish and wildlife conservation and recreation programs?)—Filed July 22, 1985 by John C. McGlenn of Seattle. 211,299 signatures were submitted and found sufficient and the measure was certified to the legislature on January 24, 1986. The legislature referred this measure to the 1986 general election ballot. At the November 4, 1986 general election the measure was defeated by the following vote: **For**—493,794. **Against**—784,382.

INITIATIVE TO THE LEGISLATURE NO. 91. (Shall the state administered workers industrial insurance compensation system be modified and employers be granted the option of privately insuring?)—Filed August 9, 1985 by Donald D. Eldridge of Olympia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 92. (Shall it be a consumer protection violation for doctors treating Medicare eligible patients to charge more than Medicare's reasonable charges?)—Filed March 31, 1986 by Lars Hennem of Seattle. 219,716 signatures were submitted and were found sufficient and the measure was certified to the legislature on January 15, 1987.

INITIATIVE TO THE LEGISLATURE NO. 93 (Shall courts be authorized to require that convicted felons after release from prison be subject to restrictions and state supervision?)—Filed May 5, 1986 by Stuart A. Halsan of Centralia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 94 (Shall conviction for possessing more than five ounces of, or selling, "dangerous drugs" result in at least five years imprisonment?)—Filed August 22, 1986 by Clyde Ballard of East Wenatchee. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 95 (Shall denturists be licensed, dental hygienists' activities be expanded, and both be permitted to function without supervision of a dentist?)—Filed on April 17, 1987 by Kenneth S. MacPherson of Redmond. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 96 (Cleanup of Toxic Waste)—Filed on July 16, 1987 by David A. Bricklin of Seattle. Initiative refiled as Initiative 97.

***INITIATIVE TO THE LEGISLATURE NO. 97 (Shall a hazardous waste cleanup program, partially funded by a 7/10 of 1% tax on hazardous substances, be enacted?)**—Filed on August 13, 1987 by Christine Platt of Olympia. 215,505 signatures were submitted and were found sufficient. The measure was certified to the legislature on February 8, 1988.

INITIATIVE TO THE LEGISLATURE NO. 98 (Shall conversations concerning controlled drugs be recordable with one party's consent and limited court use of unauthorized recordings be permitted?)—Filed on April 1, 1988 by Frank Kanekoa of Olympia. Sponsor failed to submit signatures for checking.

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- *INITIATIVE TO THE LEGISLATURE NO. 99 (Shall a state presidential preference primary election determine each presidential candidate's percentage of delegates to major party national conventions?)**—Filed on April 24, 1988 by Ross E. Davis of Seattle and Joe E. Murphy of Seattle. 202, 872 signatures were submitted and found sufficient. The measure was certified to the legislature on February 6, 1989 and was passed by the legislature on March 31, 1989. The act is now identified as Chapter 4, Laws of 1989.
- INITIATIVE TO THE LEGISLATURE NO. 100 (Shall private property rights be a compelling state interest restricting eminent domain, state agreements with governments, and some agency rules?)**—Filed on April 11, 1988 by Neil Amondson of Centralia. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 101 (Shall mandatory minimum jail sentences be required for some drug offenses including possessing materials or equipment to illegally manufacture drugs?)**—Filed on May 5, 1988 by James K. Linderman of Yacolt. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 102 (Shall the state support of children and family services, including some education programs, be increased by \$360,000,000 in new taxes?)**—Filed on June 24, 1988 by Jon LeVeque of Seattle. 217,143 signatures were submitted and found sufficient. The measure was certified to the Legislature on January 20, 1989. The legislature referred the measure to the 1989 general election ballot. At the November 7, 1989 general election the measure was defeated by the following vote: For—349,357 Against—688,782.
- INITIATIVE TO THE LEGISLATURE NO. 103 (Shall rent increases in mobile home parks be prohibited until June 30, 1990 and thereafter increases would require a state board's approval?)**—Filed on July 8, 1988 by Shirley J. Johnson of Everett. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 104 (Shall proposed thermal power plants be required to demonstrate that their operation will not increase carbon dioxide in the atmosphere?)**—Filed on August 22, 1988 by Allen W. Hayward of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 105 (Regarding attorneys as members of the Legislature)**—Filed on July 20, 1988 by Eugene Goosman of Seattle. Attorney General refused to write ballot title on the grounds that the initiative proposed to amend the Constitution.
- INITIATIVE TO THE LEGISLATURE NO. 106 (Shall the state issue tax obligation bonds and use the proceeds for consumer grants, state projects, reinvestment and bond expenses?)**—Filed on August 23, 1988 by Steven A. Tracy of Longview. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 107 (Shall new limitations be imposed upon the adoption of state and local rules and ordinances restricting property rights of landowners?)**—Filed on September 12, 1988 by Ellen Pickell of Hoquiam and Neil Amondson of Centralia. Sponsors failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 108 (Shall a toll bridge connecting Bainbridge Island to land east of Bremerton be financed by \$22,000,000 and general obligation bonds?)**—Filed on September 29, 1988 by T. H. Tees of Bremerton. Sponsor failed to submit signatures for checking.

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- INITIATIVE TO THE LEGISLATURE NO. 109 (Shall women considering abortion be advised by the physician of their opportunity to receive certain information about abortion and alternatives?)**—Filed on April 19, 1989 by Mike Padden of Spokane. 153,619 signatures were submitted and were found insufficient to qualify the measure for the state general election ballot.
- INITIATIVE TO THE LEGISLATURE NO. 110 (Regarding a mandatory sentence for the manufacture or sale of narcotics.)**—Filed on April 3, 1989 by James Linderman, Sr. of Yacolt. Sponsor abandoned this initiative and refiled it as Initiative to the Legislature No. 111.
- INITIATIVE TO THE LEGISLATURE NO. 111 (Shall mandatory minimum jail sentences and fines be required for certain drug offenses and other drug maximum sentences be increased?)**—Filed on May 10, 1989 by James K. Linderman, Sr. of Yacolt. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 112 (Shall the state regulate oil refiners' prices, rates, services and practices dealing with, or charged to, retail motor fuel outlets?)**—Filed on May 25, 1989 by Timothy Hamilton of McCleary. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 113 (Shall certain drug offenses have mandatory jail sentences, other drug sentences increased, and penalties paid to local jurisdiction drug funds?)**—Filed on June 23, 1989 by James K. Linderman, Sr. of Yacolt. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 114 (Regarding the burning or defacing of the American flag.)**—Filed on June 30, 1989 by Carl R. Barbee of Seattle. The Attorney General declined to write a ballot title.
- INITIATIVE TO THE LEGISLATURE NO. 115 (Shall the state and local tax rates on commercial and residential buildings and new construction be reduced at least 50%?)**—Filed on July 11, 1989 by Charles Caussey of Spokane. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 116 (Shall child support laws be revised, including a disregarding of parents' income in fixing a schedule for child support payments?)**—Filed on August 21, 1989 by William Harrington of Lynnwood. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 117 (Shall political contributions be limited regarding amount, timing and residency of contributors, and elected officials restricted on mallings and honoraria?)**—Filed on September 12, 1989 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 118 (Shall state and local tax rates, fees and charges be reduced to January 1, 1990 rates, and increases require 60% voter approval?)**—Filed on March 14, 1990 by Judith Anderson of Bush Prairie. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 119 (Shall adult patients who are in a medically terminal condition be permitted to request and receive from a physician aid-in-dying?)**—Filed on March 14, 1990 by Bradley K. Robinson of Seattle. 218,327 signatures were submitted and found sufficient. The measure was certified to the legislature on

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February 8, 1991. The legislature referred the measure to the 1991 general election ballot. At the November 5, 1991 general election the measure was defeated by the following vote:
For—701,808 Against—810,623.

***INITIATIVE TO THE LEGISLATURE NO. 120 (Shall state abortion laws be revised, including declaring a woman's right to choose physician performed abortion prior to fetal viability?)**—Filed on April 2, 1990 by Lee Minto of Seattle. 242,004 signatures were submitted and found sufficient. The measure was certified to the legislature on February 8, 1991. The legislature referred the measure to the 1991 general election ballot. At the November 5, 1991 general election the measure was approved by the following vote:
For—756,812 Against—752,590.

INITIATIVE TO THE LEGISLATURE NO. 121 (Shall mandatory minimum jail sentences and fines be required for certain drug offenses and other drug maximum sentences be increased?)—Filed on April 17, 1990 by James K. Linderman of Yacolt. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 122 (Shall jurors be advised they could consider the merits of laws and the wisdom of applying laws to a defendant?)—Filed on April 19, 1990 by Richard Shepard of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 123 (Shall constitutional impact statements be required before adopting or implementing governmental policies which effect a taking or deprivation of property?)—Filed on May 11, 1990 by Merrill H. English of Dayton. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 124 (Shall changes be made relating to real property taxes, including valuing property as its purchase price and any improvement costs?)—Filed on May 30, 1990 by Karl Thun of Graham. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 125 (Shall private vehicles be required to purchase automobile insurance from a newly created state administered program, and \$200,000,000 be appropriated?)—Filed on August 1, 1990 by Edward G. Patton of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 126 (Shall political contributions be limited regarding amount, timing, and contributor's voting residence and elected officials mallings and honoraria be restricted?)—Filed on August 9, 1990 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 127 (Shall property value for tax purposes be, the January 1, 1985 value or subsequent sales price, with future cost of living adjustments?)—Filed on August 14, 1990 by Marijcke V. Clapp of Seattle. The initiative was refiled as Initiative to the Legislature No. 129.

INITIATIVE TO THE LEGISLATURE NO. 128 (Shall mandatory minimum jail sentences and fines be required for certain drug offenses and other drug maximum sentences be increased?)—Filed on August 21, 1990 by James K. Linderman of Yacolt. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 129 (Shall property value for tax purposes be the January 1, 1985 value or subsequent sales price, adjusted for cost of living changes?)—Filed on September 12, 1990 by Marijcke V. Clapp of Seattle. Sponsor failed to submit signatures for checking.

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INITIATIVE TO THE LEGISLATURE NO. 130 (Shall real property be assessed at 70% of true and fair value and increases in property tax rates be limited?)—Filed on August 29, 1990 by Pam Roach of Auburn. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 131 (Shall mandatory minimum prison sentences and fines be required for certain drug offenses and some maximum drug sentences be increased?)—Filed on March 18, 1991 by James K. Linderman, Sr. of Yacolt. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 132 (Shall no strike pledges be required in all teaching contracts at state-supported institutions of learning and violations cause employment terminations?)—Filed on April 16, 1991 by Glenn L. Blubaugh of Tacona. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 133 (Shall there be restrictions on contributions to legislators, state officials, and candidates, and on other campaign related activities and financing?)—Filed on April 29, 1991 by Arthur Wuerth of Olympia. Sponsor failed to submit signatures for checking.

*INITIATIVE TO THE LEGISLATURE NO. 134 (Shall campaign contributions be limited; public funding of state and local campaigns be prohibited; and campaign related activities be restricted?)—Filed on June 7, 1991 by Carl R. Erickson of Olympia. 227,060 signatures were submitted and found sufficient. The measure was certified to the legislature on January 29, 1992. The legislature referred the measure to the 1992 general election ballot. At the November 3, 1992 general election the measure was approved by the following vote: For—1,549,297 Against—576,161.

INITIATIVE TO THE LEGISLATURE NO. 135 (Shall a transaction tax, not exceeding 1%, levied on the transfers of money and property replace present state authorized taxes?)—Filed on June 24, 1991 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 136 (Shall cannabis (marijuana) be legalized for adults and taxed; amnesty provided for prior cannabis convictions, and cannabis testing be prohibited?)—Filed on June 24, 1991 by Kevin Clark Keyes of Bellingham. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 137 (Shall inmates with indeterminate sentences change to determinative sentences, and sentences which are outside the standard sentencing range be reviewed?)—Filed on August 7, 1991 by Carrie D. Roth of Kent. This measure was refiled as Initiative to the Legislature No. 139.

INITIATIVE TO THE LEGISLATURE NO. 138 (Shall private vehicles be required to have automobile insurance purchased from a new state administered program, and \$200,000,000 be appropriated?)—Filed on August 12, 1991 by Ed G. Patton of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 139 (Shall the criminal sentences for offenses committed prior to July 1, 1984 be changed; and the Indeterminate Sentencing Review Board be abolished?)—Filed on October 29, 1991 by Carrie D. Roth of Kent. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 140 (Shall the Legislature be directed to vote on whether Washington should request Congress to propose a balanced budget

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constitutional amendment?)—Filed on April 29, 1992 by Dianne E. Campbell of Woodinville. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 141 (Shall a cost controlled health benefits system, publicly and privately financed, as designed by the Governor, cover all state residents?)—Filed on June 11, 1992 by Dennis Braddock of Bellingham. The sponsor submitted 159,308 signatures for checking and they were found insufficient to qualify the measure to be submitted to the 1993 legislature.

INITIATIVE TO THE LEGISLATURE NO. 142 (Shall circumcision of a minor without the minor's consent be a crime and a civil action for damages be provided?)—Filed on June 17, 1992 by Theodore Pong of Kirkland. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 143 (Shall a transaction tax, not exceeding 1% be charged for receiving property or money, and state authorized taxes be repealed?)—Filed on June 23, 1992 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 144 (Shall state and local tax levy rates on commercial and residential buildings, including new construction, be reduced by 50 percent?)—Filed on July 20, 1992 by Charles Caussey of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 145 (Shall the sale of cigarettes and other tobacco products be restricted to only state liquor stores and licensed tobacco shops?)—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 146 (Shall state law declare tobacco to be an addictive drug with adverse health consequences and should tobacco use be discouraged?)—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 147 (Shall it be criminal to sell or supply cigarettes or tobacco to persons under 21, whose possession would be unlawful?)—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 148 (Shall a 100% tax be imposed on the price of cigarettes and tobacco products for health care and tobacco education?)—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 149 (Shall retail stores selling food, gasoline or medications be prohibited from selling cigarettes and tobacco products and penalties be provided?)—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 150 (Shall cigarette and tobacco advertising be prohibited in or on any building or vehicle supported by state or local taxes?)—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 151 (Shall cigarette wholesalers and retailers be prohibited from selling unpackaged cigarettes either singly or in groups of less than

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twenty?)—Filed on October 27, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 152 (Shall retail sales of cigarettes and tobacco products be made only by state liquor stores and licensed specialty tobacco shops?)—Filed on October 29, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 153 (Shall state agencies relating to natural resources and outdoor recreation be merged under the responsibility of the public lands commissioner?)—Filed on March 12, 1993 by John L. Frost of Tumwater. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 154 (Relating to the support of children)—Filed on May 27, 1993 by Michael A. Frederick of Seattle. No ballot title was written.

INITIATIVE TO THE LEGISLATURE NO. 155 (Shall prosecutors be required to strictly adhere to the statutory prosecuting standards, and shall their duties regarding arrests be modified?)—Filed on July 27, 1993 by Donald E. Jewett of Langley. The sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 156 (Shall public schools be required to provide instruction from the Bible as a basis for values, morals and character development?)—Filed on March 9, 1994 by Edward "Randy" McLeary of Kent. The sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 157 (Shall the State assume control of the sale, and impose new regulations on possession of all ammunition in the state?)—Filed on March 9, 1994 by David L. Ross of Seattle. The sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 158 (Shall the code reviser be directed to provide copies of uncodified portions of this and other acts to individual legislators?)—Filed on March 25, 1994 by Lawrence Allred of Olympia. The sponsor failed to submit signatures for checking.

***INITIATIVE TO THE LEGISLATURE NO. 159 (Shall penalties and sentencing standards be increased for crimes involving a firearm, and sentences and plea agreements be public records?)**—Filed on April 8, 1994 by David LaCourse, Jr. of Mercer Island. 235,993 signatures were submitted and found sufficient. The measure was certified to the legislature on January 23, 1995.

INITIATIVE TO THE LEGISLATURE NO. 160 (Shall the State apply to Congress for a constitutional convention to replace Congressional voting power with direct popular voting?)—Filed on March 29, 1994 by William R. Walker of Seattle. The sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 161 (Shall libraries be fully subject to chapter 9.68 RCW, which requires labelling erotic material and restricts its distribution to minors?)—Filed on April 6, 1994 by Stephen W. Mosier of Brush Prairie. The initiative was withdrawn by the sponsor.

INITIATIVE TO THE LEGISLATURE NO. 162 (Shall local taxing districts be required, before incurring any debt, to obtain voter assent at a primary or general election?)—Filed on April 26, 1994 by Dave C. McGregor of Seattle. Re-filed as Initiative to the Legislature No. 163.

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- INITIATIVE TO THE LEGISLATURE NO. 163 (Shall additional limits be placed on the authority of counties, cities, and towns, and certain other municipalities to incur debt?)—Filed on June 6, 1994 by Dave C. McGregor of Seattle. The sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 164 (Shall government be restricted in land use regulation and required to pay for property value reductions attributable to certain regulations?)—Filed on August 2, 1994 by Dan W. Wood of Hoquiam. 231,723 signatures were submitted and found sufficient. The measure was certified to the Legislature on February 13, 1995 and was passed by the Legislature on April 19, 1995. The act is now identified as Chapter 98, Laws of 1995. Referendum Measure No. 48 was subsequently filed against Initiative to the Legislature No. 164 and was submitted to the voters at the November 7, 1995 General Election. Referendum Measure No. 48 was rejected by the following vote: For—544,788 Against—796,869. As a consequence, Chapter 98, Laws of 1995 did not become law.
- INITIATIVE TO THE LEGISLATURE NO. 165 (Shall the uniform health care benefits package be required to include all licensed forms of health care, and made optional?)—Filed on August 25, 1994 by Harold Mills of Bellevue. The sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 166 (Shall government be prohibited from according rights or protections based on sexual orientation, and schools from presenting homosexuality as acceptable?)—Filed on March 8, 1995 by Peg O. Bronson of Lake Stevens. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 167 (Shall government be prohibited from placing children for adoption or foster care with any homosexuals or with cohabiting unmarried partners?)—Filed on March 8, 1995 by Samuel P. Woodard, Sr. of Ariel. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 168 (Shall certain laws be repealed which restrict or tax the transportation, sale, possession, or carrying of firearms, with certain exceptions?)—Filed on March 8, 1995 by Samuel P. Woodard, Sr. of Ariel. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 169 (Shall the state pay tuition aid for primary and secondary students to attend private or public schools of their choice?)—Filed on March 8, 1995 by Ronald W. Taber of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 170 (Shall the State apply to Congress for a constitutional convention to replace Congressional voting power with direct popular voting?)—Filed on March 28, 1995 by William R. Walker of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 171 (Shall the department of social and health services' authority to investigate complaints of child neglect, abuse, or abandonment be repealed?)—Filed on April 11, 1995 by Kenneth E. Gragson of Everett. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 172 (Shall state and local government be prohibited from granting "preferential treatment" based on race, sex, ethnic or sexual minority status?)—Filed on April 18, 1995 by Ronald W. Taber of Olympia. Sponsor failed to submit signatures for checking.

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INITIATIVE TO THE LEGISLATURE NO. 173 (Shall the state pay scholarship vouchers for primary and secondary students to attend voucher-redeeming private or public schools of choice?)—Filed on April 18, 1995 by Ronald W. Taber of Olympia. 241,434 signatures were submitted and found sufficient. The measure was certified to the Legislature on February 5, 1996. The Legislature referred the measure to the 1996 general election ballot. At the November 5, 1996 general election the measure was rejected by the following vote: **For—775,281 Against—1,406,433.**

INITIATIVE TO THE LEGISLATURE NO. 174 (Shall DSHS be required to use multi-disciplinary teams in certain types of cases involving actual or potential serious child abuse?)—Filed on May 3, 1995 by Kenneth E. Gragson of Everett. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 175 (Shall registered nurses licensed for ten years or more be authorized to practice medicine?)—Filed on June 6, 1995 by Paul Keister of Pasco. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 176 (Shall juveniles of age fourteen or older who are charged with committing a crime while in possession of a weapon be tried as adults?)—Filed on July 13, 1995 by Richard E. Woodrow of Lynnwood. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 177 (Shall voters be authorized to create "renewed" school districts where nonprofit organizations may operate publicly-funded "independent" public schools with parental choice and revised state regulation?)—Filed on July 17, 1995 by James R. Spady of Seattle. 248,482 signatures were submitted and found sufficient. The measure was certified to the Legislature on January 30, 1996. The Legislature referred the measure to the 1996 general election ballot. At the November 5, 1996 general election the measure was rejected by the following vote: **For—762,367 Against—1,380,816.**

INITIATIVE TO THE LEGISLATURE NO. 178 (Shall property tax values be frozen at their 1995 levels, plus a maximum two percent annual inflation, and annual tax levy increases be gradually reduced?)—Filed on August 2, 1995 by Steven R. Hargrove of Poughkeepsie. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 179 (Shall video lottery terminals be authorized at the option of each city and county, as defined by this measure and regulated by the gambling commission?)—Filed on October 11, 1995 by Robert F. Gault of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 180 (Shall state revenue be reduced by lowering certain business and occupation taxes, revising insurance company premium tax credits, and limiting the state property tax levy?)—Filed on October 12, 1995 by Michael V. Wolfe of Lacey. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 181 (Shall video lottery terminals be authorized at the option of each city and county, as defined by this measure and regulated by the gambling commission?)—Filed on October 23, 1995 by Vito T. Chicchi of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 182 (Shall Easter Sunday, the day after Easter Sunday, and the day after Christmas Day be made legal holidays in the State of

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Washington?)—Filed on October 12, 1995 by Melody R. Hegwald of Everett. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 183 (Shall video lottery terminals be authorized at the option of each city and county, as defined by this measure and regulated by the gambling commission?)—Filed on October 26, 1995 by Vito T. Chiechi of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 184 (Shall property tax values be frozen at their 1995 levels, plus a maximum two percent annual inflation, and annual tax levy increases be gradually reduced?)—Filed on March 13, 1996 by Steven R. Hargrove of Poulsbo. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 185 (Shall the state of Washington apply to Congress for a constitutional convention to consider abolishing Congressional voting in favor of direct balloting by the people?)—Filed on March 14, 1996 by William R. Walker of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 186 (Shall an office of state inspector general be created to investigate and challenge incorrect or unjust governmental practices and enforce fair business practices by licensees?)—Filed on March 13, 1996 by Mx. T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 187 (Shall a 60-day waiting period be required before a marriage is performed, and waiting periods required before a marriage with minor children may be dissolved?)—Filed on March 13, 1996 by Bill Harrington of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 188 (Shall marine water protection programs be extended, oil spill prevention increased and funded by oil shipment taxes, offshore oil-drilling banned, and salmon habitat incentives offered?)—Filed on March 27, 1996 by Jeffrey D. Parsons of Tumwater. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 189 (Shall additional limits and restrictions be placed on contributions to political campaigns and ballot measures from corporations, businesses, political parties, political committees, and individuals?)—Filed on March 19, 1996 by Roger Kluck of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 190 (Shall all persons buying, selling, distributing or possessing a firearm or ammunition in Washington be required to have a valid firearm and ammunition safety license?)—Filed on March 27, 1996 by Scott S. Carpenter of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 191 (Shall an office of state inspector general be created to investigate complaints of malfeasance or abuse by government agencies and business licensees?)—Filed on April 4, 1996 by Mx. T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 192 (Shall every health insurance plan be required to cover the services of all licensed podiatrists, chiropractors, naturopaths, optometrists, osteopaths, pharmacists, physicians and psychologists?)—Filed on April 4, 1996 by John C. Peick of Issaquah. The sponsor submitted 188,967 signatures for checking and they were found insufficient to qualify the measure to be submitted to the 1997 legislature.

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INITIATIVE TO THE LEGISLATURE NO. 193 (Shall the English language be declared the state's only official language for the conduct of all business by state and local government, with limited exceptions?)—Filed on April 19, 1996 by James L. Morrison of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 194 (Shall persons convicted of certain sex crimes involving children be sentenced to life imprisonment without parole, plus a fine of no less than \$100,000?)—Filed on May 29, 1996 by Christopher P. Clifford of Renton. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 195 (Shall the state repeal all existing state taxes, and levy instead a 1% tax on all transfers of property and a temporary 1% property tax?)—Filed on June 27, 1996 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 196 (Shall taxes on property used as the owner's principal residence be limited, state taxes on such properties be eliminated, and assessment based on "adjusted value"?)—Filed on March 19, 1997 by Donald Carter of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 197 (Shall the industrial, medicinal, and personal use of hemp (cannabis or marijuana) be permitted under some conditions, taxed, and regulated by the liquor control board?)—Filed on March 12, 1997 by Thomas A. Rohan of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 198 (Shall an Office of State Inspector General be created to investigate complaints of abuse by government agencies, and to enforce fair and ethical business practices?)—Filed on March 19, 1997 by Maximus T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 199 (Shall registered nurses who have been licensed for ten or more years be authorized to practice medicine?)—Filed on March 25, 1997 by Paul Keister of Pasco. Sponsor failed to submit signatures for checking.

*INITIATIVE TO THE LEGISLATURE NO. 200 (Shall government be prohibited from discriminating or granting preferential treatment based on race, sex, color, ethnicity or national origin in public employment, education, and contracting?)—Filed on March 26, 1997 by Scott Smith and Tim Eymann of Seattle. 280,511 signatures were filed and found sufficient. The measure was certified to the Legislature on January 21, 1998. The Legislature referred the measure to the 1998 general election ballot. At the November 3, 1998 general election the measure was approved by the following vote: For—1,099,410 Against—788,930.

INITIATIVE TO THE LEGISLATURE NO. 201 (Shall the state's ad valorem property tax for the support of the common schools be repealed, beginning with the 1998 tax levy?)—Filed on March 25, 1997 by Paul Keister of Pasco. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 202 (Shall state officials be subject to new salary limitations, enhanced liability for wasted funds, and wrongful conduct, and shall citizen panels conduct employment security hearings?)—Filed on April 11, 1997 by Patrick M. Crawford of Litterock. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 203 (Shall the State apply to Congress to call a federal constitutional convention to consider proposed constitutional amendments

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calling for nationwide electronic voting on certain matters?)—Filed on April 3, 1997 by William Walker of Auburn. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 204 (Shall officials be subject to new salary limitations, increased liability for wrongful conduct, and polygraph examinations, and shall citizen panels conduct employment security hearings?)—Filed on April 28, 1997 by Patrick M. Crawford of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 205 (Shall an Office of State Inspector General be created to investigate complaints of government malfeasance, unethical business practices, and judicial abuses?)—Filed on April 14, 1997 by Maximus T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 206 (Shall certain state laws regulating land use and development, including laws governing growth management, land use permit decisions, and regional transportation planning, be repealed?)—Filed on July 1, 1997 by James L. Morrison of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 207 (Shall public education be exempt from spending limit and tax increase conditions of Initiative 601, appropriations be made, and public education laws be revised?)—Filed on June 30, 1997 by Kaye M. Peth and Daniel A. Decker of Lake Forest Park. Sponsors failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 208 (Shall a youth athletic facilities council be created to prepare a state-wide plan to develop youth athletic facilities, encourage regional coordination, and administer grant programs?)—Filed on September 16, 1997 by Malcolm S. Sotbeer of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 209 (Shall the State apply to Congress for a federal constitutional convention, for the purpose of considering constitutional amendments on national electronic voting, and other business?)—Filed on March 12, 1998 by William R. Walker of Auburn. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 210 (Shall government officials be subject to new salary limitations, increased liability for misconduct, and mandatory polygraph examinations, and shall citizen panels conduct employment security hearings?)—Filed on March 25, 1998 by Patrick M. Crawford of Littlerock. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 211 (Shall the state of Washington recognize out-of-state concealed pistol licenses issued to nonresidents, provided the license meets specific requirements, including criminal and mental background checks?)—Filed on April 23, 1998 by Alan M. Gottlieb of Bellevue. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 212 (Shall taxes on property used as the owner's principal residence be limited, state taxes on such properties be eliminated, and assessment based on "adjusted value"?)—Filed on May 22, 1998 by Donald W. Carter of Olympia. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 213 (Shall it be unlawful to install cameras in dressing rooms, hotel or motel rooms, and certain other private areas, with exceptions described in the measure?)—Filed on June 17, 1998 by Thomas E. Bader of Redmond. No signature petitions were presented for checking.

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- INITIATIVE TO THE LEGISLATURE NO. 214 (Shall the state school property tax levy be halved and then eliminated, and shall governments be required to use condemnation to restrict certain property uses?)—Filed on June 29, 1998 by Daniel W. Wood of Hoquiam. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 215 (Shall state property taxes for schools be halved and then eliminated, and governments required to use negotiation or condemnation for "open space" requirements on property?)—Filed on July 27, 1998 by Daniel W. Wood of Hoquiam. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 216 (Shall Washington residents who have been found to have committed bias/hate offenses be required to register with the sheriff in the county where they live?)—Filed on July 2, 1998 by J. Craig Church of Port Townsend. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 217 (Shall state school property taxes be gradually eliminated, funds earmarked for public education, and governments required to negotiate and purchase "open space" restrictions on property?)—Filed on August 3, 1998 by Daniel W. Wood of Hoquiam. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 218 (Shall the license tab fee for all motor vehicles be \$30 per year, and shall existing motor vehicle excise taxes and licensing fees be repealed?)—Filed on September 8, 1998 by Timothy D. Eyman of Mukilteo. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 219 (Shall license tab fees be \$30 per year for motor vehicles, existing motor vehicle taxes be repealed, and voter approval be required for tax increases?)—Filed on October 8, 1998 by Timothy D. Eyman of Mukilteo. No signature petitions were presented for checking.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (Chapter 48, Laws of 1913, Teachers' Retirement Fund)—Filed March 11, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: For—59,051 Against—252,356. As a consequence, Chapter 48, Laws of 1913 did not become law.
- REFERENDUM MEASURE NO. 2 (Chapter 180, Laws of 1913, Quincy Valley Irrigation Measure)—Filed March 25, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: For—102,315 Against—189,065. As a consequence, Chapter 180, Laws of 1913 did not become law.
- REFERENDUM MEASURE NO. 3 (Chapter 54, Laws of 1915, Relating to Initiative and Referendum)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—62,117 Against—196,363. As a consequence, Chapter 54, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 4 (Chapter 55, Laws of 1915, Recall of Elective Public Officers)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—63,646 Against—193,686. As a consequence, Chapter 55, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 5 (Chapter 52, Laws of 1915, Party Conventions Act)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—49,370 Against—200,499. As a consequence, Chapter 52, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 6 (Chapter 181, Laws of 1915, Anti-Picketing)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—85,672 Against—183,042. As a consequence, Chapter 181, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 7 (Chapter 178, Laws of 1915, Certificate of Necessity Act)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—46,820 Against—201,742. As a consequence, Chapter 178, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 8 (Chapter 46, Laws of 1915, Port Commission)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—45,264 Against—195,253. As a consequence, Chapter 46, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 9 (Chapter 49, Laws of 1915, Budget System)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: For—67,205 Against—181,833. As a consequence, Chapter 49, Laws of 1915 did not become law.
- REFERENDUM MEASURE NO. 10 (Chapter 19, Laws of 1917, Bone Dry Law)—Filed February 20, 1917. Submitted to the people at the state general election held on November 5, 1918. Measure passed by the following vote: For—96,100 Against—54,322.
- REFERENDUM MEASURE NO. 11 (Chapter 167, Laws of 1917, Capitol Building Fund Bonds)—Filed April 23, 1917. No petition filed.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

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- REFERENDUM MEASURE NO. 12A (Chapter 77, Laws of 1919, Salary of Judges)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (Chapter 59, Laws of 1921, Certificate of Necessity)—Filed March 26, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For—64,600 Against—154,905. As a consequence, Chapter 59, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 13A (Chapter 112, Laws of 1919, Death Penalty)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13B (Chapter 175, Laws of 1921, Physical Examination of School Children)—Filed April 4, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For—96,874 Against—156,113. As a consequence, Chapter 175, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 14A (Senate Joint Resolution No. 1, Laws of 1919, Intoxicating Liquor)—Filed March 20, 1919. Insufficient number of signatures on petition.
- REFERENDUM MEASURE NO. 14B (Chapter 177, Laws of 1921, Primary Nominations and Registrations)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For—60,593 Against—164,004. As a consequence, Chapter 177, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 15 (Chapter 176, Laws of 1921, Party Conventions)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. *Failed to pass by the following vote: For—57,324 Against—140,295. As a consequence, Chapter 176, Laws of 1921 did not become law.
- REFERENDUM MEASURE NO. 16 (Chapter 22, Laws of 1923, Butter Substitutes)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. *Failed to pass by the following vote: For—169,047 Against—203,016. As a consequence, Chapter 22, Laws of 1923 did not become law.
- REFERENDUM MEASURE NO. 17 (Chapter 115, Laws of 1929, Creating Department of Highways)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (Chapter 51, Laws of 1933, Cities and Towns; Electric Energy)—Filed April 7, 1933. Submitted to the people at the state general election held on November 6, 1934. Measure passed by the following vote: For—221,590 Against—160,244.
- REFERENDUM MEASURE NO. 19 (Chapter 55, Laws of 1933, Horse Racing)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (Chapter 118, Laws of 1935, Regulating Pilots)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (Chapter 26, Laws of 1935, Blanket Primary Ballot)—Filed April 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 22 (Chapter 209, Laws of 1941, Industrial Insurance)—Filed April 3, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure passed by the following vote: For—246,257 Against—108,845.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

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REFERENDUM MEASURE NO. 23 (Chapter 158, Laws of 1941, Providing for Legal Adviser for Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. *Failed to pass by the following vote: For—126,972 Against—148,266. As a consequence, Chapter 158, Laws of 1941 did not become law.

REFERENDUM MEASURE NO. 24 (Chapter 191, Laws of 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand Juries)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. *Failed to pass by the following vote: For—114,603 Against—148,439. As a consequence, Chapter 191, Laws of 1941 did not become law.

REFERENDUM MEASURE NO. 25 (Chapter 15, Laws of 1943, Relating to Public Utility Districts)—Filed March 18, 1943. Submitted to the people at the state general election held on November 7, 1944. *Failed to pass by the following: For—297,919 Against—373,051. As a consequence, Chapter 15, Laws of 1943 did not become law.

REFERENDUM MEASURE NO. 26 (Chapter 37, Laws of 1945, Relating to appointment of State Game Commissioners by the Governor)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. *Failed to pass by the following vote: For—69,490 Against—447,819. As a consequence, Chapter 37, Laws of 1945 did not become law.

REFERENDUM MEASURE NO. 27 (Chapter 202, Laws of 1945, Relating to the creation of a State Timber Resources Board)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. *Failed to pass by the following vote: For—107,731 Against—422,026. As a consequence, Chapter 202, Laws of 1945 did not become law.

REFERENDUM MEASURE NO. 28 (Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation)—Filed March 30, 1949. Signature petitions filed June 8, 1949 and found sufficient. Submitted to the people at the state general election held on November 7, 1950. *Failed to pass by the following vote: For—163,923 Against—467,574. As a consequence, only sections 1 through 5, inclusive, became law.

REFERENDUM MEASURE NO. 29 (Portion of Chapter 190, Laws of 1949, State Insurance Code)—Filed April 2, 1949. No signature petitions presented for canvassing.

REFERENDUM MEASURE NO. 30 (Chapter 280, Laws of 1957, Inheritance Tax on Insurance Proceeds)—Filed April 12, 1957. Signature petitions filed June 17, 1957, and found sufficient. Measure submitted to the voters at the state general election held on November 4, 1958. *Failed to pass by the following vote: For—52,223 Against—811,539. As a consequence, Chapter 280, Laws of 1957 did not become law.

REFERENDUM MEASURE NO. 31 (Portion of Chapter 297, Laws of 1959, Authorizing corporations and joint stock associations to practice engineering)—Filed March 31, 1959. Signature petition sheets presented for canvassing June 10, 1959. Results of canvassing revealed that sponsors missed obtaining necessary number of valid signatures by 1,124 signatures. As a result attempt to refer law to voters failed.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

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REFERENDUM MEASURE NO. 32 (Chapter 298, Laws of 1961, Washington State Milk Marketing Act)—Filed March 22, 1961 by the Washington State Milk Consumers' League. Supporting signature petition sheets filed June 14, 1961, and as of July 26, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. ***Failed to pass** by the following vote: **For—153,419 Against—677,530**. As a consequence, **Chapter 298, Laws of 1961 did not become law.**

REFERENDUM MEASURE NO. 33 (Chapter 275, Laws of 1961, Private Auditors of Municipal Accounts)—Filed April 3, 1961 by Cliff Yelle, State Auditor. Supporting signature petition sheets filed June 6, 1961, and as of July 18, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. ***Failed to pass** by the following vote: **For—242,189 Against—563,475**. As a consequence, **Chapter 275, Laws of 1961 did not become law.**

REFERENDUM MEASURE NO. 34 (Chapter 37, Laws of 1963, Mechanical Devices, Salesboards, Cardrooms, Bingo)—Filed April 11, 1963 by Dr. Homer W. Humiston of Tacoma, Washington. Since said act contained an emergency clause making the law effective upon the approval of the Governor it was necessary for Dr. Humiston to initiate court action to determine whether or not emergency clause was valid. As of April 11, 1963 the State Supreme Court sitting en banc ruled that the emergency clause was not valid and directed the Secretary of State to accept and file papers relative to the referendum (Case No. 36998).

Dr. Humiston, as sponsor of Referendum Measure No. 34, filed signature petition sheets containing a total of 82,995 signatures supporting Referendum Measure No. 34, during the period June 3 through June 12, 1963.

As of June 24, 1963, it was discovered that all such signature petition sheets had been stolen. However, two days later (June 26, 1963), Secretary of State Victor A. Meyers certified Referendum Measure No. 34 to the respective county auditors with direction that said measure appear upon the November 3, 1964 state general election ballot in spite of the fact that the signatures had been stolen. Such action was justified upon the grounds that the sponsor of said referendum had filed 82,995 signatures when only 48,630 valid signatures were needed. On July 22, 1963 the Amusement Association of Washington brought court action against the Secretary of State challenging the certification of Referendum Measure No. 34.

On July 22, 1963, the Thurston County Superior Court ruled that the Secretary of State had acted properly under the circumstances. On March 26, 1964, the State Supreme Court sustained the Thurston County Superior Court by likewise ruling that the Secretary of State's certification was valid.

Measure then submitted to the voters at the state general election held on November 3, 1964. ***Failed to pass** by the following vote: **For—505,633 Against—622,987**. As a consequence, **Chapter 37, Laws of 1963 did not become law.**

REFERENDUM MEASURE NO. 35 (Portion of Chapter 22, Laws of 1967, Nondiscrimination by Realty Brokers, Salesmen)—Filed March 22, 1967 by the AD-HOC (Advisory Home Owners Committee). Signatures (81,146) filed June 6, 1967 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election. Measure passed by the following vote: **For—580,578 Against—276,161**. Consequently, the attempt by the sponsors of this referendum to negate the open housing provision of Chapter 22, Laws of 1967 was unsuccessful.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

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REFERENDUM MEASURE NO. 36 (Chapter 100, Laws of 1973, Minimum Age—Alcoholic Beverage Control)—Filed April 4, 1973 by Lloyd C. Tremain, Chairman, Citizens United for Responsible Legislation. Signatures (79,389) filed June 7, 1973 and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election. *Failed to pass by the following vote: For—495,624 Against—510,491. As a consequence, Chapter 100, Laws of 1973 did not become law.

REFERENDUM MEASURE NO. 37 (Chapter 288, Laws of 1975 Extraordinary Session, Shall the present law governing professional negotiations for certificated educational employees be repealed, and a new law substituted therefore?)—Filed July 18, 1975 by Mrs. Alice K. Matz of Kent, Washington. No signatures presented for checking.

REFERENDUM MEASURE NO. 38 (Chapter 113, Laws of 1975-'76 2nd Extraordinary Session, Shall the salaries of state legislators be increased from \$3,800 to \$7,200 effective at the beginning of their next term?)—Filed April 6, 1976 by Mr. Paul E. Byrd of Tacoma. No signatures presented for checking.

REFERENDUM MEASURE NO. 39 (Chapter 361, Laws of 1977 Extraordinary Session, Shall certain changes be made in voter registration laws, including registration by mail and absentee voting on one day's registration?)—Filed June 22, 1977 by Kent Pullen. Signatures (74,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. *Failed to pass by the following vote: For—303,353 Against—632,131. As a consequence, Chapter 361, Laws of 1977 Ex. Sess. did not become law.

REFERENDUM MEASURE NO. 40 (Chapter 288, Laws of 1977 Extraordinary Session, Shall a state women's commission be established by statute?)—Filed July 29, 1977 by Susan Roylance, Representative of Women for Integrity in the Nation. Signatures (108,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. *Failed to pass by the following vote: For—259,761 Against—664,962. As a consequence, Chapter 288, Laws of 1977 Ex. Sess. did not become law.

REFERENDUM MEASURE NO. 41 (Chapter 204, Laws of 1984, Shall the timber harvest tax be continued at a 6.5% rate rather than gradually reduced over four years to 5%?)—Filed March 22, 1984 by Eleanor Fortson of Camano Island. The court ordered a writ of prohibition to prevent the referendum from appearing on the November, 1984 election ballot.

REFERENDUM MEASURE NO. 42 (Chapter 152, Laws of 1986, Shall seat belt use be mandatory for drivers and passengers of motor vehicles federally required to have installed seat belts?)—Filed April 7, 1986 by Mark Gabel of Parkland. No signatures presented for checking.

REFERENDUM MEASURE NO. 43 (Second Substitute House Bill No. 758)—Attorney General refused to write a ballot title because the Governor had not yet signed the bill. Filing of the referendum petition was premature.

REFERENDUM MEASURE NO. 44 (Chapter 506, Laws of 1987, Shall the director of the Department of Wildlife (formerly Game) be appointed by the Governor, not by the State Wildlife Commission?)—Filed May 20, 1987 by Ted Cowan of Issaquah. No signatures presented for checking.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

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REFERENDUM MEASURE NO. 45 (Chapter 1, Laws of 1987, First Extraordinary Session, Shall the salary increases, established by the constitutionally created Citizens' Commission, for elected state officials, legislators and Judges be approved?)—Filed June 5, 1987 by Ed Phillips of Mossyrock. No signatures presented for checking.

REFERENDUM MEASURE NO. 46 (Chapter 1, Laws of 1991, First Extraordinary Session, Shall the salary increases, established by the constitutionally created Citizens Commission, for elected state officers, legislators, and Judges be approved?)—Filed June 5, 1991 by Michael G. Cahill of Walla Walla. No signatures presented for checking.

REFERENDUM MEASURE NO. 47 (Chapter 336, Laws of 1993, The state legislature has passed a law that revises the state's education system in many ways, such as adopting new student learning goals, revising educator training and assistance, and requiring educator performance assessments. Should this law be approved or rejected?)—Filed May 13, 1993 by O. Jerome Brown of Rolling Bay. No signatures presented for checking.

REFERENDUM MEASURE NO. 48 (Chapter 98, Laws of 1995, originally certified as Initiative Measure No. 164, The state legislature has passed a law that restricts land-use regulations and expands governments' liability to pay for reduced property values of land or improvements thereon caused by certain regulations for public benefit. Should this law be approved or rejected?)—Filed April 19, 1995 by Lucy B. Steers of Seattle. Sponsor submitted 231,122 signatures on July 21, 1995 and the measure was subsequently certified to the ballot. Submitted to the voters at the November 7, 1995 general election and was rejected by the following vote: For—544,788 Against—796,869. As a consequence, Chapter 98, Laws of 1995 did not become a law.

REFERENDUM MEASURE NO. 49 (Chapter 184, Laws of 1995, The state legislature has passed a law that adds criminal trespass to the list of crimes for which police officers may arrest persons without witnessing the offense or first obtaining an arrest warrant. Should this law be approved or rejected?)—Filed May 3, 1995 by Kenneth E. Gragsone of Everett. No signatures presented for checking.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

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(Measures passed by the Legislature and referred to the voters)

- REFERENDUM BILL NO. 1 (Chapter 99, Laws of 1919, State System Trunk Line Highways)—Filed March 13, 1919. Submitted to the people at the state general election held on November 2, 1920. Failed to pass by the following vote: For—117,425 Against—191,707.
- *REFERENDUM BILL NO. 2 (Chapter 1, Laws of 1920 Extraordinary Session, Soldiers' Equalized Compensation)—Filed March 25, 1920. Submitted to the people at the state general election held on November 2, 1922. Measure approved by the following vote: For—224,356 Against—88,128.
- REFERENDUM BILL NO. 3 (Chapter 87, Laws of 1923, Electric Power Bill)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. Failed to pass by the following vote: For—99,459 Against—208,809.
- REFERENDUM BILL NO. 4 (Chapter 164, Laws of 1935, Flood Control; Creating Sinking Fund)—Filed March 22, 1935. Submitted to the people at the state general election held on November 3, 1936. Failed to pass by the following vote: For—114,055 Against—334,035.
- *REFERENDUM BILL NO. 5 (Chapter 83, Laws of 1939, 40-Mill Tax Limit)—Filed March 10, 1939. Submitted to the people at the state general election held on November 5, 1940. Measure approved by the following vote: For—390,639 Against—149,843.
- *REFERENDUM BILL NO. 6 (Chapter 176, Laws of 1941, Taxation of Real and Personal Property)—Filed March 22, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure approved by the following vote: For—252,431 Against—75,540.
- *REFERENDUM BILL NO. 7 (Chapter 229, Laws of 1949—\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: For—395,417 Against—248,200.
- *REFERENDUM BILL NO. 8 (Chapter 230, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: For—377,941 Against—262,615.
- REFERENDUM BILL NO. 9 (Chapter 231, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Failed to pass by the following vote: For—312,500 Against—314,840.
- *REFERENDUM BILL NO. 10 (Chapter 299, Laws of 1957—\$25,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions and State Institutions of Higher Learning)—Filed March 26, 1957. Measure submitted to the voters at the state general election held on November 4, 1958. Measure approved by the following vote: For—402,937 Against—391,726.
- *REFERENDUM BILL NO. 11 (Chapter 12, Laws of 1963 Extraordinary Session—Outdoor Recreation Bond Issue)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For—614,903 Against—434,978.

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- *REFERENDUM BILL NO. 12 (Chapter 26, Laws of 1963 Extraordinary Session—Bonds For Public School Facilities)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For—782,682 Against—300,674.
- *REFERENDUM BILL NO. 13 (Chapter 27, Laws of 1963 Extraordinary Session—Bonds For Juvenile Correctional Institution)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: For—761,862 Against—299,783.
- *REFERENDUM BILL NO. 14 (Chapter 158, Laws of 1965 Extraordinary Session—Bonds for Public School Facilities)—Filed May 12, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For—583,705 Against—288,357.
- *REFERENDUM BILL NO. 15 (Chapter 172, Laws of 1965 Extraordinary Session—Bonds for Public Institutions)—Filed May 15, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For—597,715 Against—263,902.
- *REFERENDUM BILL NO. 16 (Chapter 152, Laws of 1965 Extraordinary Session—Congressional Reapportionment and Redistricting)—Enrolled bill was received directly from the office of Chief Clerk, House of Representatives and filed May 7, 1965, thus bypassing the office of the Governor. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: For—416,630 Against—384,466.
- *REFERENDUM BILL NO. 17 (Chapter 106, Laws of 1967—Water Pollution Control Facilities Bonds)—Filed March 21, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For—845,372 Against—276,161.
- *REFERENDUM BILL NO. 18 (Chapter 126, Laws of 1967 Extraordinary Session—Bonds for Outdoor Recreation)—Filed May 3, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For—763,806 Against—354,646.
- *REFERENDUM BILL NO. 19 (Chapter 148, Laws of 1967 Extraordinary Session—State Building Projects: Bond Issue)—Filed May 10, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: For—606,236 Against—458,358.
- *REFERENDUM BILL NO. 20 (Chapter 3, Laws of 1970 Extraordinary Session—Changes in Abortion Law)—Filed February 9, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For—599,959 Against—462,174.
- *REFERENDUM BILL NO. 21 (Chapter 40, Laws of 1970 Extraordinary Session—Outdoor Recreation Bonds—Sales; Interest)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For—520,162 Against—474,548.
- REFERENDUM BILL NO. 22 (Chapter 66, Laws of 1970 Extraordinary Session—State Building Bonds—Sales; Interest)—Filed February 24, 1970. Measure submitted to the voters for

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decision at the November 3, 1970 state general election and failed to pass by the following vote: For—399,608 Against—574,887.

*REFERENDUM BILL NO. 23 (Chapter 67, Laws of 1970 Extraordinary Session—Pollution Control Bonds—Sales; Interest)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: For—581,819 Against—414,976.

*REFERENDUM BILL NO. 24 (Chapter 82, Laws of 1972 Extraordinary Session—Lobbyists—Regulation, Registration and Reporting)—Filed February 22, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—696,455 Against—576,404.

*REFERENDUM BILL NO. 25 (Chapter 98, Laws of 1972 Extraordinary Session—Regulating Certain Electoral Campaign Financing)—Filed February 24, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—694,818 Against—574,856.

*REFERENDUM BILL NO. 26 (Chapter 127, Laws of 1972 Extraordinary Session—Bonds for Waste Disposal Facilities)—Filed February 25, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—827,077 Against—489,459.

*REFERENDUM BILL NO. 27 (Chapter 128, Laws of 1972 Extraordinary Session—Bonds for Water Supply Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—790,063 Against—544,176.

*REFERENDUM BILL NO. 28 (Chapter 129, Laws of 1972 Extraordinary Session—Bonds for Public Recreation Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—758,530 Against—579,975.

*REFERENDUM BILL NO. 29 (Chapter 130, Laws of 1972 Extraordinary Session—Health, Social Service Facility Bonds)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: For—734,712 Against—594,172.

REFERENDUM BILL NO. 30 (Chapter 132, Laws of 1972 Extraordinary Session—Bonds for Public Transportation Improvements)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was rejected by the following vote: Against—665,493 For—637,841.

*REFERENDUM BILL NO. 31 (Chapter 133, Laws of 1972 Extraordinary Session—Bonds for Community College Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following votes: For—721,403 Against—594,963.

REFERENDUM BILL NO. 32 (Chapter 199, Laws of 1973 1st Extraordinary Session—Shall county auditors be required to appoint precinct committeemen of major political parties as deputy voting registrars upon their request?—Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was rejected by the following vote: For—291,323 Against—609,306.

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*REFERENDUM BILL NO. 33 (Chapter 200, Laws of 1973 1st Extraordinary Session—Shall personalized motor vehicle license plates be issued with resulting extra fees to be used exclusively for wildlife preservation?)—Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: For—613,921 Against—362,195.

REFERENDUM BILL NO. 34 (Chapter 152, Laws of 1974 Extraordinary Session—Shall a state lottery be conducted under gambling commission regulations with prizes totaling not less than 45% of gross income?)—Filed April 26, 1974. Measure submitted to the voters for decision at the November 5, 1974 state general election, received the following vote: For—515,404 Against—425,903, and thus failed to be approved by a sixty percent majority of the voters voting on the measure, see state Constitution, Amendment 56 and AGLO 1974 No. 49.

REFERENDUM BILL NO. 35 (Chapter 89, Laws of 1975 1st Extraordinary Session—Shall the Governor, in filling U.S. Senate vacancies, be limited to the same political party as the former incumbent?)—Filed March 27, 1975. Measure submitted to the voters for decision at the November 4, 1975 state general election and was defeated by the following vote: For—430,642 Against—501,894.

*REFERENDUM BILL NO. 36 (Chapter 104, Laws of 1975-'76 2nd Extraordinary Session—Shall certain appointed state officers be required to file reports of their financial affairs with the public disclosure commission?)—Filed March 19, 1976. Measure submitted to the voters for decision at the November 2, 1976 state general election and was approved by the following vote: For—963,309 Against—419,693.

*REFERENDUM BILL NO. 37 (Chapter 221, Laws of 1979 Extraordinary Session, Shall \$25 Million in State General Obligation Bonds be Authorized for Facilities to Train, Rehabilitate and Care for Handicapped Persons?)—Filed June 11, 1979. Measure submitted to the voters for decision at the November 6, 1979 state general election and was approved by the following vote: For—576,882 Against—286,365.

*REFERENDUM BILL NO. 38 (Chapter 234, Laws of 1979 Extraordinary Session, Shall \$125 Million in State General Obligation Bonds be Authorized for Planning, Acquisition, Construction and Improvement of Water Supply Facilities?)—Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For—1,008,646 Against—527,454.

*REFERENDUM BILL NO. 39 (Chapter 159, Laws of 1980, 46th Legislature, Shall \$450,000,000 in State General Obligation Bonds be Authorized for Planning, Designing, Acquiring, Constructing and Improving Public Waste Disposal Facilities?)—Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For—964,450 Against—558,328.

*REFERENDUM BILL NO. 40 (Chapter 1, Laws of 1986, 1st extraordinary session, Shall state officials continue challenges to the federal selection process for high-level nuclear waste repositories and shall a means be provided for voter disapproval of any Washington site?)—Filed August 1, 1986. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For—1,055,896 Against—222,141.

REFERENDUM BILL NO. 41 (Chapter 246, Laws of 1987, Regular Session, Shall the State challenge in the United States Supreme Court the constitutionality of authority delegated to the federal reserve system?)—Filed April 24, 1987. Measure submitted to the voters for decision at the state general election and was rejected by the following vote: For—282,613 Against—541,387.

REFERENDUM BILLS

***REFERENDUM BILL NO. 42 (Chapter 54, Laws of 1991, Regular Session, Shall enhanced 911 emergency telephone dialing be provided throughout the state and be funded by a tax on telephone lines?)—Filed May 1, 1991. Measure submitted to the voters for decision at the state general election and was approved by the following vote: For—901,854 Against—573,251.**

***REFERENDUM BILL NO. 43 (Chapter 7, Laws of 1994, 1st Special Session, Shall taxes on sales of cigarettes, liquor, and pop syrup be extended to fund violence reduction and drug enforcement programs?)—Measure submitted to the voters for decision at the November 8, 1994 general election and was approved by the following vote: For—947,847 Against—712,575.**

REFERENDUM BILL NO. 44 (Chapter 225, Laws of 1994 and Chapter 364, Laws of 1995, Regular Session, Shall the alcohol fuel tax exemption given to fuel distributors be eliminated?)—Filed on April 1, 1994 and May 16, 1995. Measure was not submitted to voters because of court ruling.

***REFERENDUM BILL NO. 45 (Chapter 2, Laws of 1995, 1st Special Session, Shall the fish and wildlife commission, rather than the governor, appoint the department's director and regulate food fish and shellfish?)—Filed on May 24, 1995. Measure submitted to the voters for decision at the November 7, 1995 general election and was approved by the following vote: For—809,083 Against—517,433.**

REFERENDUM BILL NO. 46 (Section 2, Chapter 2, Laws of 1997, Regular Session, Relating to property taxes.)—Measure was not submitted to the voters as Referendum Bill No. 46, but was submitted as Referendum Bill No. 47.

REFERENDUM BILL NO. 47 (Chapter 3, Laws of 1997, Regular Session, Shall property taxes be limited by modifying the 106 percent limit, allowing property valuation increases to be spread over time, and reducing the state levy?)—Measure submitted to voters for decision at the November 4, 1997 general election and was approved by the following vote: For—1,009,309 Against—579,620.

REFERENDUM BILL NO. 48 (Chapter 220, Laws of 1997, Regular Session, Shall a public stadium authority be authorized to build and operate a football/soccer stadium and exhibition center financed by tax revenues and private contributions?)—Measure submitted to the voters for decision at the June 17, 1997 special election and was approved by the following vote: For—820,364 Against—783,584.

***REFERENDUM BILL NO. 49 (Chapter 321, Laws of 1998, Regular Session, Shall motor vehicle excise taxes be reduced and state revenues reallocated; \$1.9 billion in bonds for state and local highways approved; and spending limits modified?)—Measure submitted to the voters for decision at the November 3, 1998 state general election and was approved by the following vote: For—1,056,786 Against—792,783.**

HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

- No. 1. Section 5, Article XVI. Re: **Permanent School Fund.** Adopted November, 1894.
- No. 2. Section 1, Article VI. Re: **Qualification of Electors.** Adopted November, 1896.
- No. 3. Section 2, Article VII. Re: **Uniform Rates of Taxation.** Adopted November, 1900.
- No. 4. Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1904.
- No. 5. Section 1, Article VI. Re: **Equal Suffrage.** Adopted November, 1910.
- No. 6. Section 10, Article III. Re: **Succession in Office of Governor.** Adopted November, 1910.
- No. 7. Section 1, Article II. Re: **Initiative and Referendum.** Adopted November, 1912.
- No. 8. Adding Sections 33 and 34, Article I. Re: **Recall.** Adopted November, 1912.
- No. 9. Section 16, Article I. Re: **Taking of Private Property.** Adopted November, 1922.
- No. 10. Section 22, Article I. Re: **Right of Appeal.** Adopted November, 1922.
- No. 11. Section 4, Article VIII. Re: **Appropriation.** Adopted November, 1922.
- No. 12. Section 5, Article XI. Re: **Consolidation of County Offices.** Adopted November, 1924.
- No. 13. Section 15, Article II. Re: **Vacancies in the Legislature.** Adopted November, 1930.
- No. 14. Article VII. Re: **Revenue and Taxation.** Adopted November, 1930.
- No. 15. Section 1, Article XV. Re: **Harbors and Harbor Areas.** Adopted November, 1932.
- No. 16. Section 11, Article XII. Re: **Double Liability of Stockholders.** Adopted November, 1940.
- No. 17. Section 2, Article VII. Re: **40-Mill Tax Limit.** Adopted November, 1944.
- No. 18. Adding Section 40, Article II. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only.** Adopted November, 1944.
- No. 19. Adding Section 3, Article VII. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow.** Adopted November, 1946.
- No. 20. Adding Section 1, Article XXVIII. Re: **Legislature to fix the salaries of state elective officials.** Adopted November, 1948.
- No. 21. Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters.** Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials.** (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. Adding Section 16, Article XI. Re: **Permitting the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.** Adopted November, 1948.
- No. 24. Article II, Section 33. Re: **Permitting ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.
- No. 25. Adding Section 3(a), Article IV. Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 26. Adding Section 41, Article II. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. Section 6, Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. Sections 6 and 10, Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. Article II, Section 33. Re: **Redefining "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding Section 1A, Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Section 2, Article XV. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.
- No. 34. Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1958.
- No. 35. Section 25, Article II. Re: **Pensions and Employees' Extra Compensation.** Adopted November, 1958.
- No. 36. Section 1, Article II by adding a new subsection (c). Re: **Publication and Distribution of Voters' Pamphlet.** Adopted November, 1962.
- No. 37. Section 1, Article XXIII. Re: **Publication of Proposed Constitutional Amendments.** Adopted November, 1962.
- No. 38. Adding Section 2(c), Article IV. Re: **Temporary Performance of Judicial Duties.** Adopted November, 1962.
- No. 39. Adding Section 42, Article II. Re: **Governmental Continuity During Emergency Periods.** Adopted November, 1962.
- No. 40. Section 10, Article XI. Re: **Lowering minimum population for first class cities from 20,000 to 10,000. Also changing newspaper publication requirements for proposed charters.** Adopted November, 1964.
- No. 41. Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted November, 1966.
- No. 42. Repealing Section 33, Article II and Amendments 24 and 29. Re: **Alien Ownership of Lands.** Adopted November, 1966.
- No. 43. Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted November, 1966.
- No. 44. Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted November, 1966.
- No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures—Industrial Development—Promotion.** Adopted November, 1966.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections.** Adopted November, 1966.
- No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption.** Adopted November, 1966.
- No. 48. Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized.** Adopted November, 1966.
- No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds.** Adopted November, 1968.
- No. 50. Adding Section 30, Article IV. Re: **Court of Appeals.** Adopted November, 1968.
- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority.** Adopted November, 1968.
- No. 52. Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office.** Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office.** Adopted November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use.** Adopted November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term.** Adopted November, 1968.
- No. 55. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 56. Section 24, Article II. Re: **Lotteries and Divorce.** Adopted November, 1972.
- No. 57. Section 5, Article XI. Re: **County Government.** Adopted November, 1972.
- No. 58. Section 16, Article XI. Re: **Combined City-County.** Adopted November, 1972.
- No. 59. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 60. Section 1, Article VIII. Re: **State Debt.** Also amending Section 3, Article VIII. Re: **Special Indebtedness, How Authorized.** Approved November, 1972.
- No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities.** Adopted November, 1972.
- No. 62. Section 12, Article III. Re: **Veto Power.** Adopted November, 1974.
- No. 63. Section 1, Article VI. Re: **Qualifications of Electors.** Adopted November, 1974.
- No. 64. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1976.
- No. 65. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Also amending Section 10, Article IV. Re: **Justices of the Peace.** Adopted November, 1976.
- No. 66. Section 18, Article XII. Re: **Rates for Transportation.** Adopted November, 1977.
- No. 67. Repealing Section 14, Article XII. Re: **Prohibition Against Combinations by Carriers.** Adopted November, 1977.
- No. 68. Section 12, Article II. Re: **Legislative Sessions, When—Duration.** Adopted November, 1979.
- No. 69. Section 13, Article II. Re: **Limitation on Members Holding Office in the State.** Adopted November, 1979.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 70. Adding Section 10, Article VIII. Re: **Residential Energy Conservation**. Adopted November, 1979.
- No. 71. Adding Section 31, Article IV. Re: **Judicial Qualifications Commission—Removal, Censure, Suspension, or Retirement of Judges or Justices**. Adopted November, 1980.
- No. 72. Sections 1 and 1(a), Article II. Re: **Legislative Powers, Where Vested and Initiative and Referendum, Signatures Required**. Adopted November, 1981.
- No. 73. Adding Section 1, Article XXXII. Re: **Special Revenue Financing**. Adopted November, 1981.
- No. 74. Adding Section 43, Article II. Re: **Redistricting**. Adopted November, 1983.
- No. 75. Section 1, Article XXIX. Re: **May be Invested as Authorized by Law**. Adopted November, 1985.
- No. 76. Adding Section 11, Article VIII. Re: **Agricultural Commodity Assessments—Development, Promotion, and Hosting**. Adopted November, 1985.
- No. 77. Section 31, Article IV. Re: **Commission on Judicial Conduct—Removal, Censure, Suspension, or Retirement of Judges or Justices—Proceedings**. Adopted November, 1986.
- No. 78. Section 1, Article XXVIII. Re: **Salaries for Legislators, Elected State Officials, and Judges—Independent Commission—Referendum**. Adopted November, 1986.
- No. 79. Section 2, Article VII. Re: **Limitation on Levies**. Adopted November, 1986.
- No. 80. Section 7, Article IV. Re: **Exchange of Judges—Judge Pro Tempore**. Adopted November, 1987.
- No. 81. Section 1, Article VII. Re: **Taxation**. Adopted November, 1988.
- No. 82. Section 10, Article VIII. Re: **Residential Energy Conservation**. Adopted November, 1988.
- No. 83. Section 3, Article VI. Re: **Who disqualified**. Also amending Section 1, Article XIII. Re: **Educational, reformatory and penal institutions**. Adopted November, 1988.
- No. 84. Adding Section 35, Article I. Re: **Victims of Crimes—Rights**. Adopted November, 1989.
- No. 85. Section 31, Article IV. Re: **Commission on Judicial Conduct**. Adopted November, 1989.
- No. 86. Section 10, Article VIII. Re: **Energy and Water Conservation Assistance**. Adopted November, 1989.
- No. 87. Section 6, Article IV. Re: **Jurisdiction of Superior Courts**. Adopted November, 1993.
- No. 88. Section 11, Article I. Re: **Religious Freedom**. Adopted November, 1993.
- No. 89. Section 3, Article 4. Re: **Election and Terms of Supreme Court Judges**. Adopted November, 1995.
- No. 90. Section 2, Article VII. Re: **Limitation on levies**. Adopted November, 1997.
- No. 91. Section 10, Article VIII. Re: **Energy, water, or stormwater or sewer services conservation assistance**. Adopted November, 1997.